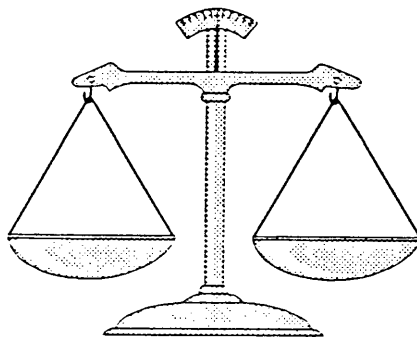


STANDARD INDIANA PRESENTENCE INVESTIGATION REPORT



Standard Face Sheet, Presentence Investigation Report and Instructional Manual

In Accordance With
I.C. 11-13-1-8(b)(4)

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Approved
March 19, 1993

INTRODUCTION

The following is the Standard Presentence Investigation Report & Manual. It was developed by Indiana's judges and probation officers in accordance with IC § 11-13-1-8(b)(4) which provides that the Judicial Conference of Indiana must develop a standard presentence report form for use by all courts in Indiana. The following presentence report format is expected to aid all participants in the criminal justice system.

-Note-

1. The Presentence Investigation Face Sheet must be used for every presentence investigation report.
2. The numbered categories in the body of the report must be listed, whether used or not. If a particular category is not applicable, then it does not have to be addressed. However, the category title must still be listed and should never be removed from the report.

In addition, if your Judge or Chief Probation Officer prohibits a particular category from being completed as a matter of local policy, for example the "Recommendation" category, then it should be marked "N/A". The numbered categories should only be addressed as needed in the judgment of the presentence report writer.

3. The "Criminal Orientation" section of the PRIOR LEGAL HISTORY category must be completed in all cases where it is expected that the offender will be committed to the Indiana Department of Correction.

P.S.I. REPORT FEATURES

Face Sheet

The standard Face Sheet must be used as designed with no changes. If a section of the Face Sheet is not applicable, it can be left blank. The Face Sheet cannot be altered in any way.

Format

The presentence investigation report is a **format**, not a form. Each numbered category must be listed in the order indicated in this manual with no exception. If a Judge or Chief Probation Officer does not wish to have a category addressed, it does not have to be. However, the category title must still be listed.

The Presentence Report Manual was developed to aid probation officers in three ways: to outline what types of information can be included in each category, to assist the officer in developing

that information, and to provide a comprehensive tool for the training of new probation officers.

Note: The suggested questions in the manual represent an exhaustive listing of potential information that can be considered for use in each category. Probation officers are free to utilize any or all of these questions, or to add additional questions as needed. Since the suggested questions are meant only as a guide, the probation officer can "tailor" his or her report by asking only the questions which are felt to be relevant to the specific case or offender.

In all instances, the "Criminal Orientation" section of the PRIOR LEGAL HISTORY category **must** be completed if the offender will be committed to the Indiana Department of Correction. All answers in this section can be displayed in a narrative manner most convenient for the sentencing judge.

Narrative

The writing of a presentence report is a person to person task. The probation officer must interview the defendant and gather pertinent information to the particular case, as well as discern (if possible) the attitudes and personality of the defendant. After gathering information, the officer, through his/her expertise as a criminal justice professional, transforms this information into logical and concise narratives under each PSI category. The probation officer should then analyze this information to develop a recommendation to the court for sentencing and/or supervision of the individual. This Standard Presentence Investigation Report format is an attempt to help the probation officer in this overall task.

Summary

Once again, the Face Sheet must be used in all instances and not altered. The Format, consisting of numbered categories, must be listed whether addressed or not for each report. Each numbered category within the standard presentence report is addressed in narrative form at the length determined by the informational needs and requirements of the individual case. This Manual, as developed, is a helpful guide to understanding what types of information can be addressed under each numbered category. The flexibility provided by this approach will help all probation throughout Indiana.

HISTORY OF DEVELOPMENT

An initial version of the Standard Presentence Report was originally developed in 1990 by the Probation Officers Advisory Committee, the predecessor to the present Probation Officers Advisory Board. There was a perception by probation officers that to continue to enhance probation as a profession, a standard presentence report needed to be developed and used statewide. The Probation Officers Advisory Board continued this work in 1991, spurred on by passage of an amendment to IC 35-38-1-9, which required the use of a presentence report developed by the Judicial Conference of Indiana. The Probation Officers Advisory Board recommended that the present standard presentence report format be adopted for use on a mandatory basis. They gave a proposed draft to the judges' Probation Committee in the fall of 1992 after completing a period of trial use.

After a few minor revisions, the Probation Committee proposed to the Board of Directors of the Judicial Conference of Indiana that the PSI format and manual be adopted for use statewide. On February 25, 1993, a public hearing was held to receive comments from probation officers generally concerning the new standard presentence report format. After making revisions based on these comments, the Probation Committee recommended to the Board of Directors adoption of the presentence report format for use on a mandatory basis. The Board of Directors of the Judicial Conference of Indiana agreed and passed a motion that beginning July 1, 1993, all probation departments must use the new report format. It is hoped that this new instrument will help probation officers, judges, and others in the criminal justice community deal more effectively with probationers.

INDIANA STANDARD PRESENTENCE INVESTIGATION REPORT

TABLE OF CONTENTS

Introduction	i
History	iii
Table of Contents	iv
Standard Indiana Presentence Investigation Report: Purpose, Philosophy, and Overview	1
Standard Presentence Investigation Face Sheet and Instructions	3
Standard Presentence Investigation Report: Category Outline	8
Standard Presentence Investigation Report Instructions	9
Sources of Information	9
Prior Legal History	9
Present Offense	11
Victim Impact Statement	12
Family/Personal Background	13
Health	16
Evaluation/Summary	17
Recommendation	19
Appendix A - Miscellaneous Information	
Community Corrections "Chargeback" Information	21
Victim Impact Information	27
IC § 35-38-1-7.1, Aggravating/Mitigating Circumstances Factors	31
Table of Penalties and Sentencing Options	34
Appendix B - Worksheet	
Standard Presentence Investigation Report Worksheet	36
Appendix C - Sample Reports	
Long Presentence Investigation	47
Average Presentence Investigation	53
Short Presentence Investigation	58

STANDARD PRESENTENCE INVESTIGATION **INSTRUCTION MANUAL**

Purpose, Philosophy and Overview

PURPOSE AND PHILOSOPHY

In accordance with Indiana Code 11-13-1-8(b)(4), the Judicial Conference of Indiana is charged with the development of a Standard Presentence Investigation Report (PSI) that will be used by all courts in Indiana.

The purpose of developing a standard presentence investigation is to ensure that each person who comes before the Court for sentencing has a statewide standard report. Having a standard report format will help all members in the justice/corrections system in the discharge of their responsibilities.

The primary use of the presentence investigation is to provide information to the Court which is essential to the judge in sentencing. Complete and accurate information about all aspects of the case, with a recommendation when appropriate, enhances the Court's ability to sentence fairly for both the defendant and the community.

Once the sentence has been entered, the presentence investigation becomes the cornerstone of a correctional plan. Information it contains can be used to develop risk assessments, needs assessments, and classification status. Whether the offender is on probation or committed to an institution, good corrections relies on its quality. Additional information can be attached so that as an offender progresses through the system each successive correctional component will have the benefit of a complete offender profile.

The standard format was supported by the Indiana Department of Correction (DOC) so that information available at the local level is communicated to the state. Some of the specific information in the attached worksheet was requested by the DOC. The criminal orientation answers are significant to both the local court/probation department at sentencing and for split sentences, and to the DOC at intake and classification.

OVERVIEW OF THE STANDARD PRESENTENCE INVESTIGATION FORMAT AND MANUAL

The Face Sheet must be completed for every report. The numbered categories in the body of the report must be listed, whether used or not. In all cases in which the offender will be committed to the DOC, the "Criminal Orientation" section of the PRIOR LEGAL HISTORY category must be completed.

You will notice that the Standard Presentence Investigation Report is based upon a "standard format" which relies upon a standard Face Sheet and a standard list of Categories requiring the reporting of all information for the body of the report in NARRATIVE form. This manual explains each section of the Standard Face Sheet and the Categories of the Standard PSI Format and how each should be used. This "Format" allows flexibility in preparing either the short or lengthy PSI, without using bulky, non-specific fill-in-the-blank questions. Each report can be "tailored" to each Court's informational requirements.

Appendix A - Reference Materials

Appendix A contains helpful reference material to aid the probation officer in gathering information for the presentence investigation report.

Appendix B - Suggested Worksheet

Appendix B is a suggested worksheet with sample questions designed to assist the writer in obtaining useful information that can be rewritten into logical and precise narratives under each category of the presentence investigation report. The worksheet is designed as a suggested tool for the gathering of pertinent information in each category and can be modified for use in a probation department.

Appendix C - Sample Presentence Investigation Reports

In order to convey a graphic representation of what the standard PSI will look like in its completed form, and to further show its **flexibility** and **versatility**, attached in Appendix C are three (3) examples of Presentence Investigation Reports written using the standard format.

Long PSI - Sample

The first PSI is a long version due to the complex nature of the case. Because of the defendant's extensive criminal background and the complexity of the offenses, a more in depth report is required covering each category as thoroughly as is possible.

Average PSI - Sample

This PSI shows how all aspects of the Face Sheet and categories can be used, but in shorter, more concise form. This may be closer to the "average" sized PSI. It utilizes all categories and reports the pertinent information in logical and precise narratives.

Short PSI - Sample

This short PSI shows the versatility of the standard format for use in high volume misdemeanor and "D" felony courts. In this version, the use of a shorter form is shown. The standard Face Sheet is still completed, but only selected standard categories are used depending upon the judge's requirement. **All numbered Standard Category titles are still listed in the report and those that are not used are marked "not applicable."**

STATE OF INDIANA
PRESENTENCE INVESTIGATION REPORT
FACE SHEET

Date Ordered _____
Date Completed _____

File stamp here

Warning: This report is confidential according to
Ind. Code § 35-38-1-13 and may only
be released with specific authorization.

COURT INFORMATION

Court: _____
Judge: _____
Prosecutor: _____
Defense Attorney: _____
Probation Officer: _____
Probation Dept: _____ Phone No.: _____
Address: _____

OFFENDER INFORMATION

Case No.(s): _____
Charging Name(s): _____
True Name: _____
Alias(es): _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ SSN: _____
3: _____ / _____ / _____ POB: _____
Race: _____ Sex: _____ Ht: _____ Wt: _____ Eyes: _____ Hair: _____
ID Marks: _____
U.S. Citizen: Yes _____ No _____ Alien Status: _____
Driver's License No.: _____ State of Issue: _____ Status: _____
Criminal Involvement (Check all that apply):

<input type="checkbox"/> Charge(s) Pending	<input type="checkbox"/> Jail	<input type="checkbox"/> Felony	<input type="checkbox"/> Probation	<input type="checkbox"/> Comm. Corr.	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Res. Placement
<input type="checkbox"/> Detainer(s)	<input type="checkbox"/> Prison	<input type="checkbox"/> Misdemeanor	<input type="checkbox"/> Parole	<input type="checkbox"/> Violation(s)	<input type="checkbox"/> Juv. Detention	<input type="checkbox"/> IBS IGS

OFFENSE INFORMATION

Present Offense(s): _____

Arrest Date: _____ / _____ / _____ Type of release: _____ B.A.C.: _____
Sentencing Date: _____ / _____ / _____ Jail Credit: _____
Co-Defendant(s): _____
Case No.(s): _____

ADDITIONAL INFORMATION

COMMUNITY CORRECTIONS

CHARGE BACK OFFENSE: ☐ Y ☐ N

CHARGE BACK IF SENT TO DOC: ☐ Y ☐ N

FACILITY/PROGRAM AT CAPACITY: ☐ Y ☐ N

STAFFED BY COMM. CORR.: ☐ Y ☐ N

OTHER INFORMATION: _____

MARITAL INFORMATION

☐ S ☐ M ☐ D ☐ W ☐ Sep

Spouse/Other: _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

Number of Dependent Children: _____

Court-ordered Support: \$ _____ per ☐ Wk ☐ Mo ☐ Other: _____

EDUCATION, EMPLOYMENT, HEALTH

High School: _____

Grad/G.E.D.: ☐ Y ☐ N Verified: ☐ Y ☐ N

College/Vocational: _____

Employer: _____

Position: _____ \$ _____ /hr.

Hire Date: ____/____/____ Hrs. per wk: _____

Mental Health Referrals: ☐ Y ☐ N Physical Problems: ☐ Y ☐ N Alcohol/Drug Use: ☐ Y ☐ N

CONTACT PERSONS

1) Name: _____ Relation: _____ Ph: _____

Address: _____

2) Name: _____ Relation: _____ Ph: _____

Address: _____

3) Other: _____

SENTENCING INFORMATION (Probation Use Only)

CONVICTED BY: ☐ PLEA ☐ BENCH ☐ JURY

DATE: _____

CONVICTED OF: _____

EXECUTED TIME: _____ SUSPENDED: _____ LENGTH OF PROBATION: _____

SPECIAL CONDITIONS: _____

STANDARD PRESENTENCE INVESTIGATION FACE SHEET **INSTRUCTIONS**

The Face Sheet must be used as designed for every presentence report. If a section of the Face Sheet is not applicable, it can be left blank. The face sheet cannot be altered.

The objective of this two page standard face sheet is to make a significant amount of necessary information available to the sentencing judge at first glance. In-depth information will appear in the body of the report within the respective categories. It is important that each face sheet is complete and accurate. After sentencing, the Sentencing Information section of the face sheet can be completed since the sentencing order is usually not readily available following a sentencing hearing. For counties who receive Community Corrections Grants this section is appropriately completed using the Community Corrections References found in **Appendix A**. The following are the various sections found on the Face Sheet, including explanations for proper use.

COURT INFORMATION

Self explanatory.

OFFENDER INFORMATION:

Case Number(s): Give complete case number. (Example: 45D01-9208-CF-563). If the PSI is being written for more than one case, list all appropriate case numbers. Do not use abbreviations or other inter-office case numbers. Note: Administrative Rule 8 - Uniform case Numbering System, Supreme Court of Indiana requires all courts to use the terminology of "case" number rather than "cause" number, although some courts still refer to case number as cause number.

Charging Name(s): Indicate defendant's name as shown on the court docket.

True Name: The true, full and legal name of the defendant. The name as reported on the court docket is not always the legally correct name of the defendant.

Alias(es): Self-explanatory.

Address: Give a permanent home address for the defendant. **DO NOT** give the address of the county jail if the defendant is currently incarcerated. If the defendant claims to not have an address, even one of a close relative, then mark N/A (not applicable) and report on this issue in the FAMILY/PERSONAL BACKGROUND category of the report.

DOB: Month, day and year of birth.

POB: Place of Birth. Give city, town or county and state where defendant was born.

Age, Race, Sex, Ht (Height), Wt (Weight), Eyes, Hair: All self-explanatory.

ID Marks: Include any obvious identifying marks and characteristics. These can be tattoos, scars, birthmarks, or other physical characteristics (i.e. facial hair, lack of teeth, missing appendages, etc.). Be sure to give specific location of scars, birthmarks, etc.

U.S. Citizen: Self-explanatory.

Alien Status: If the defendant is not a U.S. Citizen, his/her status may include one of the following: Resident Alien, Illegal Alien, etc.

Driver's License No.: Many states assign a license number using a number other than the person's Social Security Number (SSN). Indiana is one of those states, although Indiana may put the SSN on the license as well. Give the license number if it is other than the defendant's SSN. If the defendant has no driver's license, put "NONE" or "N/A" and report reason.

State of Issue: Self-explanatory.

Status: Give current status of the defendant's driver's license - i.e. active, suspended, revoked, etc.

Criminal Involvement: The purpose of this section is to give the sentencing judge a quick reference to the defendant's overall current and/or prior involvement in the criminal justice system. Check each category in which the defendant has had any type of involvement which will be further described in the PRIOR LEGAL HISTORY category of this report.

OFFENSE INFORMATION

Present Offense(s): Include all charges as filed. If multiple cases are consolidated for sentencing, state the charge(s) with the appropriate case number.

B.A.C.: If a test is conducted for Blood Alcohol Content (B.A.C.), indicate the results here.

Arrest Date: Give primary arrest date. If there is more than one arrest date due to multiple charges, use the "Additional Information" box below.

Type of Release: Give the date released from jail, if appropriate. Additional charges should also be indicated here. State whether the defendant was released on own recognizance or released on bond (cash, surety, property, etc.). If you wish to give any special conditions of release, use the "Additional Information" box below.

Sentencing Date: Indicate the date of court-ordered sentencing hearing for the offense(s).

Jail Credit: Give the actual number of days in custody for this case. This information is usually available from the detaining authority. This might include county jail, city lock-up, juvenile detention, home detention and private correctional facilities.

Co-Defendant(s): List any other persons (cohorts or co-defendants) who have been charged in

connection with this offense. You may wish to also give a short summary of any disposition(s) if known. You may utilize the "Additional Information" section of the face sheet for this purpose. However, the most favorable location for this type of information would be in the EVALUATION/SUMMARY category of the report.

Case Number(s): Indicate the case number(s) for any co-defendant(s).

ADDITIONAL INFORMATION

The space in this section can be utilized by each individual court to further explain information in any other category or section of the face sheet. It can also be used to include additional information that the PSI writer may feel the judge should see "up front." Examples of additional information may be, but not limited to: sentencing information on cohort(s), information on detainers, new offenses, terms of a plea agreement, pending charges, mandatory minimums and consecutive vs. concurrent sentences, etc.

COMMUNITY CORRECTIONS

If your county is receiving Department of Correction grant money for a community corrections program, please refer to the Community Correction References in **Appendix A**. For those counties who do not have such a program, and therefore will not use this section, merely leave it blank. **DO NOT** remove this section from the standard face sheet.

Chargeback Offense: See Appendix A and determine if this offense would constitute a chargeback.

Facility/Program At Capacity: Indicate whether or not your local community corrections facility or program is at capacity at the present time.

Chargeback If Sent To DOC: Indicate whether or not this offense will constitute a chargeback if the offender is committed to DOC. See example chargeback worksheet in Appendix A.

Staffed by Community Corrections: Indicate whether or not the community corrections program was consulted on this case.

Other Information: Include any pertinent information.

MARITAL INFORMATION

S, M, D, W, Sep: Single, Married, Divorced, Widowed, Separated.

Spouse/Other: Identify the defendant's spouse or significant other person with whom he/she lives and/or maintains a marriage-type relationship (if any).

Address: Self-explanatory.

Number of Dependent Children: These are the defendant's legally dependent children, not necessarily those he/she claims to provide for.

Court-ordered Support: Indicate amount of support ordered by the court. Check either weekly or monthly basis.

Other: Indicate any additional information about support, including whether or not it is being paid.

EDUCATION/EMPLOYMENT/HEALTH

High School: Indicate the name of the high school the defendant attended.

Graduated/G.E.D.: Mark "Yes" if defendant either graduated from high school or obtained a G.E.D. If neither, mark "No".

College/Vocational: State any college or vocational school the defendant has attended.

Employer, Position, & Hire date: Self-explanatory. Include hourly wage.

Mental Health; Physical Problems; Alcohol/Drug Abuse: Mark "Yes" if ...1. You have found any evidence to believe that the defendant has any significant history within any of these categories and, 2. You have provided an explanation of this information in the appropriate category of this report. This will give the sentencing judge an "at a glance" idea of whether or not the defendant possesses any physical, health, or alcohol/drug related problems.

CONTACT PERSONS

The purpose of this section is to record information regarding the defendant's closest relatives or friends with whom he/she has frequent contact. This information would be useful for emergency situations, references, future problems in locating the defendant, and for family/community-offender support.

SENTENCING INFORMATION

This section can be completed by the Probation Officer or other court personnel at the time of sentencing. It provides a quick reference for sentencing information without waiting for the receipt of a Court Docket.

Convicted By: Check the type of conviction.

Date: Actual date of sentencing.

Convicted Of: Give actual charge(s) for which the defendant was convicted.

Executed Time: Give the amount of executed time ordered to be served (days/months/years) in jail, prison, or any alternative form of incarceration/detention.

Suspended: Give amount of time ordered to be suspended (days/months/years).
Length of Probation: Self-explanatory (days/months/years).
Special Conditions: State any special probation conditions beyond any standard rules.

STANDARD PRESENTENCE INVESTIGATION CATEGORIES OUTLINE

- I. SOURCES OF INFORMATION**
- II. PRIOR LEGAL HISTORY**
 - A. Juvenile
 - B. Adult
 - C. Criminal Orientation
 - D. Summary
- III. PRESENT OFFENSE**
 - A. Official Version
 - B. Defendant's Version
- IV. VICTIM IMPACT STATEMENT**
- V. FAMILY/PERSONAL BACKGROUND**
 - A. Family
 - B. Marital/Dependents
 - C. Education
 - D. Employment
 - E. Military
 - F. Financial
 - G. Religious Affiliation
 - H. Interests/Leisure Activities
- VI. HEALTH**
 - A. Physical
 - B. Mental
 - C. Substance Use
- VII. EVALUATION/SUMMARY**
- VIII. RECOMMENDATION**

NOTE: Each numbered category must be listed in the standard PSI, even if only marked Not Applicable or "N/A".

STANDARD PRESENTENCE INVESTIGATION

INSTRUCTIONS

I. SOURCES OF INFORMATION

The objective of this category is to provide the reader with a **complete** listing of all the sources of information used by you in completing the report. Be specific and do not use local jargon which would not be understood by others.

Examples of properly reported Sources of Information:

Records of Howard County Prosecutor's Office.
Records of Howard County Sheriff's Department.
Statements of John Smith, victim.
Records of the Four County Counseling Center.
Records of the Kokomo Police Department
etc., etc.

These examples are specific enough to show where information, statements and/or reports were derived for use in your report.

Examples of improperly reported Sources of Information:

Howard Co. P.O.
Howard Co. Lock-up
John Smith
Records of Four County
K.P.D.

These examples are either non-specific or use local jargon/acronyms which may not be recognized by others.

II. PRIOR LEGAL HISTORY

The objective of this category is to report all juvenile and adult arrests in such a way that they are easily understood and interpreted by the reader. This category is divided into four sections. If any one of the sections does not apply, for example "Juvenile History", be sure to list the section and then mark it "No Record" or what ever is appropriate.

A. Juvenile History

Provide any juvenile arrest history. List in chronological order the dates of delinquent acts, charges or complaints, and the dispositions.

The disposition should include, but not be limited to: warned and dismissed, referred to other agency, informal adjustment, court petition, or waiver. Also include dispositions such as community service, probation, placement, treatment, IBS, IGS, fees, detention time, or any other relevant information. List case or cause number, county and state.

Every attempt should be made to verify information when possible. Note whether the information was verified or attempted.

B. Adult History

List the adult arrest history. List chronologically each criminal arrest, date, charge(s) or complaint(s), case and/or cause number, county and state, and disposition with appropriate date. Dispositions may include but are not limited to: dismissed, diversion program, suspended or split sentence, length of sentence, length of probation, community corrections, mental health/substance abuse treatment, fines, costs, etc.

If an offender has numerous misdemeanor arrests for the same type of offense, it is recommended that this information be summarized, and the listing of these arrests be attached if necessary.

Example:

From 1976 through 1989 the defendant was arrested in this jurisdiction on 25 separate occasions for either Public Intoxication or Disorderly Conduct. These arrests resulted in 16 convictions with the most severe sentence being 30 days in jail. See attached list.

In those instances where the offense is a class "D" felony, indicate whether the conviction and sentencing is for a misdemeanor or felony. Also, include relevant information about probation and parole violations and dispositions, if available.

C. Criminal Orientation

The Judicial Conference of Indiana agreed to provide the following information to the Indiana Department of Correction. Although this section may seem redundant, and/or covered on other areas of the report, it should be completed in any instance where the defendant will be sent to DOC. Although these questions must be asked, verification of the answers should occur to the extent time permits.

DOC will use this information to classify new inmates and to assign offenders to institutions. It is important that any gang information be included since it is also of importance to probation and community corrections staff. The following is a list of possible questions which should be asked the defendant in completing this section. The answers can then be incorporated into a logical and concise narrative report. The same questions can be found in the "Worksheet" portion (Appendix B).

It is important to note that a narrative should be written even if only partial information is available. However, if this is a first offense and the defendant has no history of significant

criminal development, you may leave this category blank and report "not applicable" or "none".

Age at first conviction/adjudication?
Ever in IBS/IGS?
Previous felony in Indiana? Out of state?
Ever charged with Battery or other violent offense?
Ever charged with Escape or Juvenile Runaway?
Ever had jail or prison write-up for discipline?
Ever had felony reduced to misdemeanor at sentencing?
At the time of the present offense, was offender on probation? on parole?
Ever been on probation?
Ever been on Parole?
Any violations? Any technical? Any new offense(s)?
Any revocations?
Is defendant's driver's license currently suspended?
Ever been a member of a juvenile or adult gang?
Gang name?
Source of information?
List defendant's close friends/relatives currently in IDOC.

D. Summary of Legal History

The objective of this section is to provide the officer an opportunity to draw together all of the relevant information from the Prior Legal History category and to make some assessments regarding the overall criminal history of the defendant. If a more detailed account regarding specific offenses is needed, this would be the section where that information could be included.

III. PRESENT OFFENSE

A. Official Version

The purpose of this section is to paraphrase the instant offense(s) as described in the Probable Cause Affidavit or the police report. This will give the reader a synopsis of the offense without having to seek out the police report or the Probable Cause Affidavit.

Particular attention should be given to the formal charge(s), the date and place of the offense(s). All of the circumstances of the arrest should be included in a descriptive manner without using police jargon and unnecessary details. The flow of this paragraph should be consistent with the overall presentence report and presented in a professionally written manner.

If you are not able to narrate the official version because of time limits or the length of the Affidavit and police report it may be appropriate to state the following:

The complete official version of the offense can be found in the Information and the Affidavit for Probable Cause for Warrant for Arrest in Cause No. _____, attached in this report.

This will give direction to the reader as to where to find the official version. If this method is used it will be necessary to attach that information to the presentence report, as indicated.

B. Defendant's Version

The purpose of this section is to give the defendant an opportunity to describe his/her specific involvement in the offense(s). He/She may make his/her own written statement. If the defendant's statement is taken by the probation officer during an interview, attempt to take direct quotations. Ask the defendant if he/she was under the influence of drugs or alcohol during the commission of the offense. Also, if multiple defendants are involved, inquire into what this particular defendant's role was in the crime(s). If there is significant difference between the defendant's version and the official version, this should be noted.

If the defendant states he/she is not guilty of the charge, note this in your report. You may try to elicit information as to how he/she perceives his/her innocence. If there is a Plea Agreement involved it may be necessary for you to inform the prosecutor and the defense attorney that the defendant does not admit guilt. This is important as the Court will require that the defendant admit guilt to the offense at the time of sentencing.

Another purpose of this section is to gain understanding of the defendant's attitude toward his/her offense and victim. Be observant for what the potential is for improved behavior based primarily upon his/her statement. (Example: Is the defendant remorseful, does he/she exhibit regret and understanding into his/her charge(s) and the resulting consequences?) Inquire as to what the defendant's attitude toward the victim and his/her motivation for the crime.

IV. VICTIM IMPACT STATEMENT

(If no victim, state "NOT APPLICABLE")

The guidelines for this statement are set forth in IC 35-38-1-8.5. **Sample Information can be found in the References portion of this manual in PPENDIX A.**

The purpose of this statement is to enable the victim or victim's representative to have an opportunity to make either an oral or written statement to the Court in reference to the impact of the offense and its resulting effects on the victim's life. This is also an opportunity for you as a PSI writer and probation officer to gain understanding into the effects the crime has had or is having on the victim.

You are required by Ind. Code § 35-38-1-8.5 to certify to the Court that the victim has been notified in writing of the date and time of the official sentencing at least seven days prior to sentencing. Note in your report the date the letter was sent and record the manner in which you received a response (telephone, letter, in person) from the victim. If you are unable to contact the victim, you must state what attempts you made to comply with this statutory requirement.

The victim must be advised of the sentencing provisions for the offense of which the defendant has been found guilty or is pleading guilty to. The victim(s) can give you their opinion, comments, etc. either in writing or verbally. If taking an oral statement you must reduce the comments to written form. Use direct quotes when possible.

Any letter or other correspondence received from the victim should be attached to the report with reference being made that it is contained in the body of the report. The victim must also be notified that it is his/her right to be present in Court at sentencing and he/she will be given an opportunity to make a statement to the Court prior to the sentencing.

Ensure that the victim has the opportunity to report any information, especially the financial, emotional, and physical effects of the crime on the victim. If there is any financial loss to the victim it needs to be addressed at this time with specific amount of the loss given.

Additional information concerning DOC's duties in relation to victims can be found at Ind. Code §11-13-3-3.

V. FAMILY/PERSONAL BACKGROUND

A. Family

The objective of this section is to collect significant information about the offender and the environment in which he/she developed during his/her formative years. Information included should be tailored to the needs and requirements of each individual report and should be reported in the form of a **narrative summary**.

The following listing includes **suggested** information to assist you in obtaining the data needed for your summary. Use other data as desired.

- Defendant's place of birth
- Age of parents when born
- Marital status of parents when born
- Parents' names (Mother, Father, Step, and/or Adoptive)
- Number of persons in the home while defendant was a child
- Relationship with mother/stepmother/guardian
- Relationship with father/stepfather/guardian
- Family relationship and home life
- Were parents actively involved in religious activities and/or other organizations?
- Socio-economic status of family and origin (public assistance, etc.)
- Mother/Stepmother's/Guardian's current employment
- Father/Stepfather's/Guardian's current employment
- Highest school grade completed by Mother and Father
- Previous marriages of Mother and Father

Welfare/Protective service interventions ever necessary?
Did parents use and/or abuse drugs or alcohol?
Was defendant ever abused/molested or neglected? Was it reported?
Were there other childhood problems?
Age when defendant left home? Reason?
List of siblings (names, ages, criminal history, education, etc.)
Relationship with siblings
Was there a great deal of dysfunction in the home?

B. Marital/Dependent Status

The objective of this section is to collect significant information about the offender and his/her marriage-type relationships and relationships with dependents. The following questions will assist you in gathering this information from both the offender and the offender's significant other(s), if desired. A **narrative summary** should be written using the information gathered.

1. Do you have a marital-type relationship at the present time?
(Name, age, any legal dependents, date relationship began.)
2. Have you had such a relationship in the past? (Name, age, any dependents if applicable, date relationship began and ended, reason for separation or divorce) List all relationships of this type.
3. Was child support or other support ordered? If so, give details.
4. Has there ever been sexual, physical or emotional abuse to your spouse/partner, dependents or others. Were charges filed? If so, what is/was status.
5. Has there been any drug and/or alcohol use and/or abuse?
6. Get names, addresses, and ages of all children and/or dependents. Age of parents at time of birth. If dependents are out of wedlock, what were the circumstances?

C. Educational History

This section is to be used to gather information about the defendant's educational background. What were/are the defendant's goals, aspirations and present/future plans. If the defendant has been out of the school system for many years, parts of this section will not be as important. The following questions will assist you in gathering the necessary information. A **narrative summary** should be written using the information gathered.

1. How much schooling has the defendant completed?
2. List elementary, middle and high schools attended along with any College and Vocational training. Did defendant graduate, or receive a G.E.D. and was this information verified.

3. What type of clubs and activities were defendant involved in?
4. Was defendant ever suspended and/or expelled, and indicate attendance and behavioral problems.
5. Was defendant in any special education classes and/or programs? Does defendant know any of his/her grade standings and/or achievements.
6. Can the defendant read and write? In order to substantiate this have him/her read a paragraph to you and possibly write a few sentences.

D. Employment History

This section will assist the writer in presenting an overview of the defendant's work history. Obtain a brief summary of any employment as a teen. Report the last two or three years employment, being specific about dates, name of company, supervisor, work performed, rate of pay and reason for leaving. Verify when possible any current employment with the employer. Be aware of defendant's inability to give specifics, particularly if being on the job for a long period of time, or his/her inability to account for periods of time when unemployed. Have a family member indicate past employment history. Questions that can be asked to gather information to write a narrative are as follows:

Present employer and present salary? When was the last time you worked and for what length of time did you hold that job? What was your salary? Why did you leave? How many jobs have you held during the past three years? What special skills do you have? Have you ever claimed unemployment? If so, when? What unions or work organizations have you been a member of? What type of benefits do you have in your present job? What are your goals toward future employment? Are you satisfied with your present job?

E. Military History

Note any military history; branch of service, rank achieved, base where stationed, duties, any legal problems, entrance and discharge dates, type of discharge.

F. Financial Status Information

State the assets and debts as reported by the defendant. Include the name of the bank, type of account, and current or average balance of any checking or savings accounts. Note any monthly payments and the balance due of any type of debts. Indicate the amount of child support, if any, paid or received. Also note all sources of income and if not working, how is person living or taking care of general needs. A financial worksheet is included (PSI Worksheet, Financial section, Annex B) to assist you in gathering this pertinent information. A narrative summary should be written using the information gathered.

G. Religious Affiliation

This information can be very meaningful in evaluating the defendant. The defendant should be encouraged but not required to provide this information. The objective is to help assess the defendant's community support system, commitment to a moral/value system and personal resources. Typical questions might include:

1. Has the defendant had a religious conversion experience since being arrested?
2. What is the defendant's religious or spiritual affiliation? (i.e. Christian, Moslem, Native American, Jewish) Which denomination?
3. Name of Church/Mosque/Synagogue/Temple?
4. What is the length of membership and frequency of attendance?
5. What significance has religion had in the defendant's life, positively or negatively?
6. Has the defendant been involved in a religious cult or experienced ritualistic abuse?

H. Interests and Leisure Activities

List the defendant's hobbies, clubs, organizations and special interests or artistic talents. What does the defendant do with his/her leisure time?

VI. HEALTH

The objective of the Health section is threefold. It will provide the courts with needed information pertaining to the physical and mental health of the individual as well as any history of substance use. It will enable the courts to determine if any of the above areas were the cause of or a contributing factor in the offense. If the defendant is incarcerated, this information will be useful to DOC in classifying and placing the individual in the proper facility. If the defendant is placed on probation or given a split sentence, this information will be most helpful in planning the proper program to most benefit the individual. Have the defendant sign all proper release forms. A narrative summary should be written for each section using the information gathered.

A. Physical

Report any health problems. Obtain a signed release of confidential information. Find out when the person was last treated by a physician and if the person is taking any medication. The prescription name, number and Pharmacy will be helpful to indicate potential abuse problems and for information in confirming urine screens. Regarding physical impairments, indicate if the person wears glasses, has dentures, hearing aids, etc. List illness(es) or injury(ies) that could effect health or limit physical activities. Provide H.I.V. information if

required by statute. Use your narrative to expand on anything unusual, and a summary to tie all of the information together.

B. Mental

Report any treatment or counselling by mental health professionals. Obtain a signed release of confidential information. Try to get a discharge summary for any completed treatment. If the person is currently in treatment, obtain progress report and prognosis. Report on any suicide attempts and explain. If the person has a history of mental illness or counselling, use a narrative to report the time period and treatment structure. Use a summary to tie all of the information together.

C. Substance Use

Describe person's past and present use of alcohol, drugs, or other substances. Obtain a signed release of confidential information. This should include age of first use, frequency and current use. If the person has been in counselling or treatment, obtain a discharge summary for any completed treatment or a progress report and prognosis for current programs. If person does have a history of substance use, include narrative of use, problems resulting from use, treatment structure, and future outlook. Use a summary to tie all of the information together.

VII. EVALUATION/SUMMARY

The purposes of this category are to: (1) Outline the results of the investigation in a way that the reader can comprehend the causative factors contributing to the defendant's illegal behavior, (2) Measure the probability of future criminality against the potential for rehabilitation, (3) Determine which of the statutory aggravating and mitigating circumstances apply to the defendant, and (4) Compare and contrast other pertinent information regarding treatment of cohorts, feeling of the victim/family members/community at large, etc. In other words, analyze the case.

In order to achieve the objective of this category, it is suggested that the presentence investigator employ a standard analytical approach for each case.

1. Identify the individuals and events that influenced the offender during the formative years.
2. Use statements, facts, and impressions to describe what kind of person the offender appears to be in light of known behavior.
3. State any concerns that your analysis reveals which might impact on the safety of the community.
4. Indicate the areas of need that, if effectively addressed by appropriate court intervention, would contribute to the defendant's potential for future law abiding behavior.
5. Determine which of the **statutory aggravating/mitigating circumstances** apply to the defendant. The statute containing this information is I.C. 35-38-1-7.1 and can be found in Appendix A.

The EVALUATION/SUMMARY category is intended to be a section where the probation officer should summarize important information from the report in a logical sequence and draw correlations and unbiased conclusions based upon facts and his/her professional impressions. This section should not be used as a forum for personal opinions, biased views, etc. The probation officer can also use this category to summarize any information about cohort(s) and how that information compares or relates.

This is an example of an appropriate narrative for the EVALUATION/SUMMARY:

A review of the defendant's life reveals that he was the product of a home setting with little discipline provided during his formative years. As the only child of teenage parents who separated when he was two years old, he became the responsibility of his maternal grandmother. She was never able to invest the time required to provide him with appropriate direction. As a result the defendant developed a defiant attitude toward authority at an early age which has grown stronger into his adulthood.

Presently, the defendant is described by those who know him as temperamental and lacking maturity. This description is consistent with the behavior he exhibited in committing the present offense, wherein he has stated that his motive was "revenge." This type of behavior was first observed outside the home at the elementary school level and has continued to the present as documented in his juvenile and adult criminal history.

Given the situation as outlined, there is a strong indication that the defendant is unlikely to reoffend unless his sentence includes a means of providing strong direction within a framework of close supervision. As a practical matter, this can only be accomplished by way of home detention, a residential setting or by incarceration.

The victim in this offense has declined to make any comment, but appears to want nothing more than reimbursement for his damaged property in the amount of \$3,631.00.

The following aggravating/mitigating circumstances should be considered by the court:

AGGRAVATING

1. The defendant has a history of criminal and delinquent activity as previously reported.
2. Due to the defendant's history of failed placements on probation, he is in need of correctional or rehabilitative treatment that can best be provided by commitment to a penal facility.
3. Because this is the defendant's fourth such offense against a person or property in the past 5 years, the imposition of a reduced sentence or suspension of the sentence and imposition of probation would depreciate the seriousness of the crime.

MITIGATING

1. The defendant has already made partial reimbursement to the victim for damage to his personal property in the amount of \$ _____.
2. Because the defendant is the sole supporter of his wife and two children, imprisonment of the defendant would result in undue hardship to his dependents.
3. The defendant has shown genuine remorse for this offense.

VIII. RECOMMENDATION

The purpose of this category is to make a sound and logical recommendation for sentencing based upon the conclusions that have been drawn from the Evaluation/Recommendation and according to applicable sentencing statutes. In considering a recommendation:

1. Review the defendant's criminal history and refer to the appropriate statutes to determine the suspendibility of the offense(s).
2. For those offenses in which some or all of the incarceration may be suspended, consider the available alternatives to incarceration (i.e. probation, home detention, private work release facilities, etc.) and the conditions necessary to minimize risk (i.e. alcohol and/or drug treatment, intensive supervision, drug screens, normal rules of probation, etc.).

A chart has been provided which lists a Table of Penalties of the Indiana Penal Code, as well as the various sentencing options under the Indiana Code. This chart can be found in the References portion of this manual (**Appendix A**).

In cases where a plea agreement has been filed, either a complete or summarized version of the sentencing portion of the agreement should be stated. It may then only be necessary to indicate whether or not the probation officer finds the plea agreement to be appropriate.

There will be times where a plea agreement has been made, however, in the course of the presentence investigation, the probation officer finds that the agreement is not valid by statute. This should be reported.

Sample recommendations can be found in the attached "Sample Reports" (**Appendix C**).

SIGNATURE

The probation officer who completed the presentence report should sign it. If local policy dictates, a supervisor or chief may co-sign the report.

APPENDIX A

REFERENCES FOR PSI MANUAL

- 1. Indiana Community Corrections Act
"Chargeback" Information**
- 2. Victim Impact Information Examples**
- 3. I.C. 35-38-1-7.1
Aggravating/Mitigating Circumstances**
- 4. Table of Penalties & Sentencing Options**

APPENDIX A COMMUNITY CORRECTIONS "CHARGEBACK" INFORMATION

INTRODUCTION

The purpose of the attached material is to explain the "chargeback" provision of the Indiana Community Corrections Act, Ind. Code § 11-12-2 and to assist in identifying potential "chargeback" cases. This information will be useful in developing sentencing recommendations, and can be included as an impact statement with each presentence investigation report. Including this information on the presentence report assures that all parties, yourself, the judge, and attorneys, have considered the impact of the sentence to be imposed.

OVERVIEW

The Community Corrections Act was promulgated by the Indiana legislature. The Act encourages communities to develop local punishment options that provide judges with alternatives to incarceration in state prisons for persons convicted of non-violent offenses.

The Community Corrections Act provides funds to assist counties to develop these local community corrections programs, as well as financial incentives to encourage communities to retain locally non-violent offenders. Specifically, in addition to providing funds for programs, the Department of Correction will reduce the amount of a county's Community Corrections' subsidy for each inappropriate person committed to the Department of Correction. This charge against the county's allocation of Community Correction Act funds is commonly referred to as the "chargeback" provision of the law. Inappropriate persons committed to the department will actually cause a reduction of grant dollars given to the local Community Corrections Programs. Technically, the charge levied against the county program is a reduction in the grant amount itself.

For each inappropriate referral to the Department of Correction, the state charges a county approximately \$32.00 per day. Therefore, for each person who fails within the parameters of the "Chargeback" provision for one year, the community corrections programs lose almost \$11,700. It would take only several inappropriate referrals to render a local program totally ineffective.

The following page outlines the factors to consider in determining if a particular case is an appropriate referral to the Department of Correction, or if the referral may result in a chargeback for those with a community corrections act program.

IDENTIFYING CHARGEBACKS

I. GENERAL RULE

Generally, persons convicted of the following offenses:

- A. Misdemeanors
- B. Class D felonies
- C. Class C felonies (nonviolent)

who are sentenced to the Indiana Department of Corrections will result in a chargeback to a Community Correction Act Program.

II. EXCEPTIONS

The following exceptions apply to the general rule, and should not result in a reduction of program funding:

A. Persons CONVICTED of the following offenses:

- 1. Class C felony:
 - Dealing in marijuana
 - Involuntary manslaughter
 - Reckless homicide
 - Battery
 - Criminal confinement
 - Child molesting
 - Robbery
 - Burglary
 - Escape
- 2. Any felony resulting in bodily injury to another person.
- 3. Any felony committed by means of a deadly weapon.
- 4. Any other offense for which the sentence is non-suspendible (i.e. the new crime is a Class C felony and the offender has finished a sentence for a prior felony conviction within 7 years of the new crime; or, for a Class D felony, within 3 years.)

B. Any person CHARGED with a felony resulting in serious bodily injury committed by means of a deadly weapon, if the sentencing court notes on the commitment order that such charges were dismissed in a plea agreement.

C. Any person transferred to the Department of Correction for violating the terms of his/her community corrections sentence.

INDIANA CODE 11-12-2-9
CHARGES ON COUNTY RECEIVING FINANCIAL AID
DAILY COST OF PERSON CONFINED IN STATE CORRECTIONAL FACILITY
LIMITATION ON CHARGES

Sec. 9 (a) A county receiving financial aid under this chapter shall be charged a sum, for each person committed to the department of correction and confined in a state correctional facility, equal to seventy-five percent (75%) of the average daily cost of confining a person in certain state correctional facilities as calculated by the state board of accounts. The daily cost is determined by dividing the average daily population of the state prison, the state reformatory, and the state farm into the previous fiscal year's operating expense of those three (3) facilities and reducing the previous fiscal year's operating expense of those three (3) facilities and reducing the quotient to an average daily cost. However, no charge may be made for those persons:

- which
- (1) convicted of:
 - (A) murder or a Class A or Class B felony;
 - (B) involuntary manslaughter, reckless homicide, battery, criminal confinement, child molesting, robbery, burglary, or escape as Class C felonies;
 - (C) any other felony resulting in bodily injury to any other person;
 - (D) any other felony committed by means of a deadly weapon;
 - (E) any felony for which a habitual offender sentence was imposed;
 - (F) any offense for which the sentence is non-suspendible under IC 35-50-2-2(a); or
 - (G) dealing in marijuana as a Class D felony under IC 35-48-4-10(b)(1)(B) or a Class C felony under IC 35-48-4-10(b)(2); or
 - (2) transferred to the department of correction after they have violated the terms of their community corrections sentence; or
 - (3) who were charged with:
 - (A) a felony resulting in serious bodily injury; or
 - (B) a felony committed by means of a deadly weapon;and the sentencing court noted on the commitment order that such charges were dismissed pursuant to a plea agreement under IC 35-35-3.

(b) The amount charged a county under this section may not exceed the amount of financial aid received under this chapter. The amount charged shall be deducted from the subsidy payable to the participating county. All charges are a charge upon the county of original jurisdiction.

(c) Notwithstanding subsection (a), if a county receives financial aid under this chapter for a program or a facility for persons convicted of crimes, but has not received financial aid under this chapter for a program or a facility for delinquent offenders, the costs of keeping delinquent offenders in state programs or facilities operated by the department of correction shall be paid under IC 11-10-2-3.

(d) Notwithstanding subsection (a), if a county receives financial aid under this chapter for a program or a facility for delinquent offenders, but has not received financial aid under this chapter for a program or a facility for persons convicted of crimes, the costs of keeping persons convicted of crimes in state programs or facilities operated by the department of correction shall be paid by the department of correction.

(e) Notwithstanding subsection (a) of the section, no charge may be made for:

- (1) the initial twelve (12) months of the county's participation in the subsidy program; or
- (2) each month during which:
 - (A) the county maintains a residential facility or a portion of a residential facility as part of its community corrections plan; and
 - (B) the residential facility or the community corrections portion of the residential facility operates at the rated bed capacity specified in the county's community corrections plan.
- (3) each month during which a county that has no residential facility as part of its community corrections plan operates a community corrections program at the offender-supervisor ratio specified by the plan.

(f) A county fulfills the rated bed capacity requirement of subsection (e)(2) if the following conditions are met.

- (1) Each bed used in the calculation of rated bed capacity must be filled each day of the month unless a vacancy occurs because of the release, escape, or incarceration of the bed's occupant.
- (2) A vacancy that occurs because of the release, escape, or incarceration of the occupant of a bed used in the calculation of rated bed capacity must be filled within two (2) days after its occurrence.

(g) A county fulfills the offender-supervisor ratio requirement of subsection (e)(3) if the following conditions are met:

- (1) Each opening used in the calculation of the offender-supervisor ratio specified in the community corrections plan must be filled each day of the month unless a vacancy occurs because of the release, escape, or incarceration of an offender.
- (2) A vacancy that occurs because of the release, escape, or incarceration of an offender must be filled within two (2) working days after its occurrence.

EXAMPLE VICTIM IMPACT INFORMATION

Name of Victim _____

Address _____

Telephone (H) _____ (W) _____

Name of Personal Representative _____

Address _____

Telephone (H) _____ (W) _____

Cover letter and impact statement forms sent (date) _____

Impact statement received (date) _____

List of Contacts _____

Contacts regarding Impact Statement (include dates, persons, etc.) _____

Letter regarding disposition or sentencing (time, date, and place) sent on _____
_____ seven (7) days prior to sentencing.

Additional Information _____

EXAMPLE LETTER FOR VICTIM
TO BE SENT FROM PROBATION OFFICER

Date: _____

RE: _____

Dear: _____

Our office is conducting a presentence investigation on the above-mentioned individual. This individual is scheduled to be sentenced in Criminal Division _____ on _____, at _____. The presentence investigation is a report containing information about the offense and the offender. As a victim, you have certain rights which are listed below:

1. To report your losses and/or damages;
2. To report the way the offense has affected you and/or your family;
3. To express an opinion to the Court about the type of sentence the defendant should receive; and
4. To be present at the time of sentencing.

Please be aware that the offender is entitled to have access to your impact statements. However, this information is vitally important and your cooperation is greatly needed. In order to include your statement and/or your claim for restitution in my report, I must speak with you as soon as possible. Please complete and mail the enclosed Victim's Impact Statement, and call me at your earliest convenience. I can be reached at _____. If I am unavailable, please leave a specific message for a return call. Failure to comply by _____ could result in your personal statement and restitution claim not being considered.

Sincerely yours,

Probation Officer

EXAMPLE CHARGEBACK WORKSHEET

IS THE OFFENSE WHICH THE DEFENDANT HAS BEEN CONVICTED OF AND IS BEING SENTENCED ON:

a Class A or B Felony ☐ Yes ☐ No

Involuntary Manslaughter, Reckless Homicide, Battery,
Criminal Confinement, Child Molesting, Robbery,
Burglary, or Escape, as a Class C Felony ☐ Yes ☐ No

any felony resulting in bodily injury to another person ☐ Yes ☐ No

any felony committed by means of a deadly weapon ☐ Yes ☐ No

any felony for which an Habitual Offender sentence is
being imposed ☐ Yes ☐ No

a non-suspendible felony, as the Defendant is being
sentenced on a Class D Felony charge and was released
from Parole, Probation, or incarceration for any prior
felony conviction, within three (3) years of the date of
the commission of the offense for which he is being
sentenced ☐ Yes ☐ No

a non-suspendible felony, as the Defendant is being
sentenced on a Class C Felony charge and was released
from Parole, Probation, or incarceration for any prior
felony conviction, within seven (7) years of the date
of the commission of the offense for which he is being
sentenced ☐ Yes ☐ No

a non-suspendible felony, as the Defendant has one
juvenile adjudication for what would have been a Class
A or B Felony if committed by an adult, or two (2)
juvenile adjudications for what would have been Class
C or Class D Felonies if committed by an adult; and the
juvenile offenses were committed within three (3) years
of the date the Defendant committed the offense for
which he is being sentenced ☐ Yes ☐ No

Dealing in Marijuana, as a Class D Felony (over 30
grams); or Dealing in Marijuana, as a Class C Felony
(10 pounds or more, or within 1,000 feet of school
property or on a school bus) ☐ Yes ☐ No

a lesser included offense, or part of separate charges,
which include a felony resulting in serious bodily
injury or by means of a deadly weapon, and such charges
were dismissed as part of a Plea Agreement ☐ Yes ☐ No

OR

Is the Defendant being sentenced to the Department of
Correction for violating the terms of a Community
Corrections Sentence (i.e. Riverside, Volunteers of
America, House Arrest, Electronic Monitoring, Bradley
House, etc.) ☐ Yes ☐ No

OR

Are Community Corrections Programs at Capacity? ☐ Yes ☐ No

IF ANY OF THE QUESTIONS ABOVE HAVE BEEN ANSWERED YES, THERE WILL
NOT BE A COMMUNITY CORRECTIONS CHARGEBACK.

EXAMPLE VICTIM IMPACT STATEMENT

Because you were the victim of a property or bodily injury crime, you may have suffered some loss which, under certain circumstances, the Court may order the Defendant to repay. You may also wish the Court be made aware of how the offense has affected you and/or your family and may want to make a statement. Please do so by completing the information below and returning the form to: _____

1. Your total loss and/or expenses resulting from the offense:

- a. Value of property stolen: _____
- b. Value of property damaged (cost to repair): _____
- c. Medical and/or counseling expenses incurred: _____
- d. Loss of wages: _____
- TOTAL CLAIM FOR RESTITUTION: _____

2. Total amount covered by insurance: _____

The name and address of your insurance company and agent:

Company: _____ Agent: _____
Address: _____ Phone: _____
Policy Number: _____ Claim Number: _____
Amount of your deductible: _____

3. Here you and/or your victim's representative may provide the Court with a statement on how the offense has affected you and/or your family along with any recommendations for sentencing you may have. If you need additional space, please submit an attached letter.

CERTIFICATION

I hereby certify, under the penalties for perjury, that the above representations are correct to the best of my knowledge.

Signature of Victim, Guardian, or Representative

Case Number: _____ Date: _____

Defendant: _____

Probation Officer: _____

EXAMPLE OF VICTIM'S INFORMATION

As a victim of a felony offense, the following information may be of concern to you and/or your family:

1. As a victim, you have a right to be present in Court at the sentencing hearing. You will be given an opportunity to make a statement to the Court prior to the sentencing. This right of appearance is in addition to the request for completion of the "Victim's Impact Statement and Restitution Information" form included in this letter.
2. A victim of a felony offense or his/her representative may request that the Department of Correction notify him/her when the offender imprisoned is:
 - a. To be discharged from prison.
 - b. To be released on parole.
 - c. To have a parole release hearing.
 - d. Has escaped; or
 - e. To be released from departmental custody under any temporary release program administered by the Department, including a placement on minimum security assignments such as Regulated Community Assignment or a minimum security work release program.
3. Your request must be made in writing at least forty (40) days before the discharge, release or hearing occurs. Your request should be made to the:

Department of Correction
Victim Assistance
Indiana Government Center South
302 West Washington St., Room E-334
Indianapolis, Indiana 46204
ATTN: CATHY HALL

If such a request is made, the department shall supply the requested information to the victim or the representative.

4. In 1978, the Indiana General Assembly enacted the Violent Crimes Compensation Division to provide limited financial assistance to victims and families of victims of violent crime. You can obtain an application by calling (317) 232-3808 or by writing the Violent Crimes Compensation Division, 402 W. Washington St., Indianapolis, Indiana 46204.

If you have any additional questions, you may call the probation officer assigned to your case at _____, probation officers _____.

AGGRAVATING/MITIGATING FACTORS

35-38-1-7 REPEALED

(Repealed by P.L.1-1990, SEC. 344).

35-38-1-7.1 Sentence; factors

Sec. 7.1 (a) In determining what sentence to impose for a crime, the court shall consider:

- (1) the risk that the person will commit another crime;
- (2) the nature and circumstances of that crime committed;
- (3) The person's:
 - (A) prior criminal record;
 - (B) character; and
 - (C) condition;
- (4) whether the victim of the crime was less than twelve (12) years of age or at least sixty-five (65) years of age.
- (5) whether the person violated a protective order issued against the person under IC 31-1-11.5 or IC 34-4-5.1; and
- (6) any oral or written statement made by a victim of the crime.

(b) The Court may consider the following factors as aggravating circumstances or as favoring imposing consecutive terms of imprisonment:

- (1) The person has recently violated the conditions of any probation, parole, or pardon granted to the person.
- (2) The person has a history of criminal or delinquent activity.
- (3) The person is in need of correctional or rehabilitative treatment that can best be provided by commitment of the person to a penal facility.
- (4) Imposition of a reduced sentence or suspension of the sentence and imposition of probation would depreciate the seriousness of the crime.
- (5) The victim of the crime was less than twelve (12) years of age or at least sixty-five (65) years of age.
- (6) The victim of the crime was mentally or physically infirm.
- (7) The person committed a forcible felony while wearing a garment designed to resist the penetration of a bullet.
- (8) The person committed a sex crime listed in subsection (e) and:

(A) the crime created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV) and involved the sex organ of one (1) person and the mouth, anus, or sex organ of another person;

(B) the person had knowledge that the person was a carrier of HIV; and

- (C) the person had received risk counseling as described in subsection (g).
- (9) The person committed an offense related to controlled substances listed in subsection (f) if:
 - (A) the offense involved:
 - (i) the delivery by any person to another person; or
 - (ii) the use by any person on another person;

of a contaminated sharp (as defined in IC 16-1-9.7-1) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact;
 - (B) the person had knowledge that the person was a carrier of the human immunodeficiency virus (HIV); and
 - (C) the person had received risk counseling as described in subsection (g).
- (c) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:
 - (1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.
 - (2) The crime was the result of circumstances unlikely to recur.
 - (3) The victim of the crime induced or facilitated the offense.
 - (4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.
 - (5) The person acted under strong provocation.
 - (6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.
 - (7) The person is likely to respond affirmatively to probation or short term imprisonment.
 - (8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.
 - (9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.
 - (10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.
- (d) The criteria listed in subsections (b) and (c) do not limit the matters that the court may consider in determining the sentence.
- (e) For the purposes of this article, the following crimes are considered sex crimes:
 - (1) Rape (IC 35-42-4-1).

- (2) Criminal deviate conduct (IC 35-42-4-2).
 - (3) Child molesting (IC 35-42-4-3).
 - (4) Child seduction (IC 35-42-4-7).
 - (5) Prostitution (IC 35-45-4-2).
 - (6) Patronizing a prostitute (IC 35-45-4-3).
 - (7) Incest (IC 35-46-1-3).
- (f) For the purposes of this article, the following crimes are considered offenses related to controlled substances:
- (1) Dealing in cocaine or narcotic drug (IC 35-48-4-1).
 - (2) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
 - (3) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
 - (4) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 - (5) Possession of cocaine or narcotic drug (IC 35-48-4-6).
 - (6) Possession of a controlled substance (IC 35-48-4-7).
 - (7) Dealing in paraphernalia (IC 35-48-4-8.5)
 - (8) Possession of paraphernalia (IC 35-48-4-8.3)
 - (9) Offenses relating to registration (IC 35-48-4-14).
- (g) For the purposes of this section, a person received risk counseling if the person had been:
- (1) notified in person or in writing that tests have confirmed the presence of antibodies to the human immunodeficiency virus (HIV) in the person's blood; and
 - (2) warned of the behavior that can transmit HIV.

As added by P.L.1-1990, SEC.345. Amended by P.L.1-1991, SEC.195.

PRESUMPTIVE AND STANDARD SENTENCING ADDITIONS OR SUBTRACTIONS:

Class	Presumptive	Add	Subtract	Fines
Murder	55 years	10 years	10 years	\$10,000
A	30 years	20 years	10 years	\$10,000
B	10 years	10 years	4 years	\$10,000
C	4 years	4 years	2 years	\$10,000
D	1½ years	1½ years	1 year	\$10,000
A mis.	1 yr. max.			\$ 5,000
B mis.	180 days max.			\$ 1,000
C mis.	60 days max.			\$ 500

FELONY SENTENCING ENHANCEMENTS:

Enhancement Description	Minimum	Maximum
Death		
Violent habitual criminal	Life without parole	
Habitual criminal	1x presumptive	3x presumptive 30 year max.
Use of assault weapon	1x presumptive	2x presumptive 10 year max.
Habitual controlled substance offender	3 years (1 year if more than 3. years since last prior)	8 years

SENTENCING OPTIONS

Concurrent or consecutive sentence.
Ind. Code § 35-50-1-2.

Habitual offenders.
Ind. Code § 35-50-2-8.

Habitual controlled substance offenders.
Ind. Code § 35-50-2-10.

Death Penalty.
Ind. Code § 35-50-2-9.

*Conviction for Class D felony entered as Class A misdemeanor.
Ind. Code § 35-50-2-7(b).

Alternative fine for felony or misdemeanor.
Ind. Code § 35-50-5-2.

Payment of fines/installment payments.
Ind. Code § 35-38-1-18.

Suspension of sentence and placement on probation.
Ind. Code § 35-50-2-2 (Felonies).
Ind. Code § 35-50-3-1 (Misdemeanors).
Ind. Code § 35-38-2-1 (probation in general).

Home detention.
Ind. Code § 35-38-2-5.

Petition for placement in home detention in lieu of incarceration.
Ind. Code § 35-38-1-21.

Direct placement in community corrections program.
Ind. Code § 35-38-2-6.

Restitution orders without probation.
Ind. Code § 35-50-5-3.

Restitution order as a civil judgment lien.
Ind. Code § 35-50-5-3(b).

Modification of sentence/shock probation.
Ind. Code § 35-38-1-17.

Petition for sentence reduction.
Ind. Code § 35-38-1-23.

Intermittent service of sentence (includes weekend sentence and split sentence).
Ind. Code § 35-38-2-2.3.

Conditional discharge for possession of marijuana as first offense.
Ind. Code § 35-48-4-12.

Sentence where intoxication is element of offense.
Ind. Code § 12-23-5.

Drug abuse and alcohol treatment.
Ind. Code § 12-23.

Thirty (30) day license suspension for traffic offenses.
Ind. Code § 9-30-3-16.

Ignition interlock device as part of court ordered probationary driving privileges.
Ind. Code § 9-30-5-16 and 9-30-8-1.

Habitual traffic offender-license suspension.
Ind. Code § 9-30-10-5 and 9-30-10-9.

Marijuana license suspension
Ind. Code § 35-48-4

Fees for offenses generally
Ind. Code § 33-19-5-1

APPENDIX B

SUGGESTED WORKSHEET
FOR
INDIANA STANDARD
PRESENTENCE INVESTIGATION REPORT

STANDARD PRESENTENCE INVESTIGATION

WORKSHEET

The following Worksheet was developed for use as an "interview tool" for collecting pertinent information for the standard PSI Report. It is designed to assist the probation officer by providing possible questions that may be asked in order to collect appropriate information from the defendant and other sources.

The worksheet follows the order of the standard PSI Format, category by category. The questions provided are not all-inclusive, but are intended to help the probation officer understand what types of questions may be asked in order to attain enough information to write an appropriate narrative.

Once the information for each category is obtained, the officer can take each bit of information and tie it all together in an analytical and coherent narrative summary. Again, the questions provided are only a start. Different cases require different focuses and, therefore, certain information is more important to obtain and to emphasize than other less important information.

This Worksheet is provided for general use and can be copied, reformatted for computer use, or improved by adding additional questions.

I. SOURCES OF INFORMATION

List all sources from which you received information to complete this report. Refer to the examples provided in the Manual for proper use.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

II. PRIOR LEGAL HISTORY

A. JUVENILE

The following worksheet is a data collection tool. It is not necessarily the way this information must be displayed in a presentence report. How this information is placed in the presentence report should be determined by each probation department.

a. Date of Delinquent Acts b. Cause or Case # c. County, State	Charge(s) or Complaint(s)	Date of Disposition Type of Disposition	Verified or not Verified Y/N
1. a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____
2. a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____
3. a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____
4. a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____
5. a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____

Attach additional sheets if necessary. Please do not use abbreviations or acronyms. Disposition information should include, but not be limited to: warned and dismissed; informal adjustment; formal petition and adjudication; suspended commitment; formal/informal probation and length; placements; IBS/IGS; any probation violations; special rules; and all pertinent dates.

ADULT

The following worksheet is a data collection tool. It is not necessarily the way this information must be displayed in a presentence report. How this information is placed in the presentence report should be determined by each probation department.

a. Date of Criminal Acts b. Cause or Case # c. County, State	Charge(s) or Complaint(s)	Date of Sentences Type of Disposition	Verified or not Verified Y/N
1. a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____
2. a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____
3. a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____
4. a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____
5. a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____

Use additional sheets if necessary. Please do not use abbreviations or acronyms. Sentencing information should include, but not be limited to: dismissed; diversion program; length of sentence; concurrent/consecutive; length of probation; special rules; community corrections information; etc. Include any probation/parole violations.

C. CRIMINAL ORIENTATION

Age at first conviction/adjudication?:

Ever in IBS/IGS?:

Previous felony in Indiana?: Out of state?:

Out of state arrest(s)?:

Ever charged with Battery or other violent offense?:

Ever charged with Escape or Juvenile Runaway?:

Ever had jail or prison write-up for discipline?:

Ever had felony reduced to misdemeanor at sentencing?:

At the time of the present offense, was defendant on probation?: Parole?:

Previously on probation?: Parole?: Any violation(s)?:

Revocation(s): If yes: Technical?: New Offense(s)?:

Is defendant's driver's license currently suspended?: Previous Suspensions?:

Ever been a member of a juvenile or adult gang?:

Give name of gang and the source of this information:

How long a gang member?:

What is the defendant's attitude concerning his/her gang membership?:

For any questions above that were answered with a "yes," be sure to provide any available details.

Any relatives or close friends currently serving time in IDOC?:

List defendant's relatives/close friends currently in IDOC:

Name(s)	Family or Friend	Institution (if known)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. SUMMARY

See Manual.

III. PRESENT OFFENSE

A. OFFICIAL VERSION

See Manual.

B. DEFENDANT'S VERSION

See Manual.

IV. VICTIM IMPACT STATEMENT

See Manual.

V. FAMILY/PERSONAL BACKGROUND

A. FAMILY

Defendant's place of birth:

Parents' names (mother, father, step, adoptive):

Number of persons in home while defendant was a child:

Relationship with mother/stepmother/guardian:

Relationship with father/stepfather/guardian:

Family relationship and home life:

Socioeconomic status of family of origin (Public assistance, etc?):

Mother/stepmother/guardian's current employment:

Father/stepfather/guardian's current employment:

Highest school grade completed by mother, father:

Previous marriages of mother, father:

Criminal background of mother, father:

Was Welfare/Protective Services intervention ever necessary?:

Other childhood problems:

Age when defendant left home, reason for leaving home:

Listing of siblings (names, ages, criminal history, education, etc.):

Relationship with siblings:

B. MARITAL/DEPENDENT STATUS

Is defendant single/married/separated/divorced/widowed/other:

Date of marriage/separation/divorce:

Name(s) of current/former spouse(s) or significant other(s):

Name and age of all legal dependents:

Reason for separation/divorce:

Current relationship with spouse/other:

Defendant ordered to pay/receive child support?: Amount?: Current?:

Has any of the following contributed to marital problems: alcohol/drug abuse, sexual abuse, physical abuse, emotional abuse, or child abuse.
Give details:

C. EDUCATIONAL HISTORY

Still in school?: Last grade completed: HS Grad?: College?:

Last school attended: Ever suspended?: Expelled?: Reason:

Participated in any special education classes?:

Give results of any special tests by schools:

If dropped out, give date and reason:

GED completion date: Where?:

At what level can the defendant read and write?:

Any educational goals?:

D. EMPLOYMENT HISTORY

Present Employer: Position/Job:

Salary per hour/week/month/year:

Net pay per day/week/biweekly/month:

Any Benefits?: (life/health insurance, savings plan, etc.)

Previous Employer(s) in the last five years:

Jobs held, dates and reason for leaving:

Any special work or vocational skills:

Approximate percentage of time defendant employed in last year:

Significant period of unemployment/reason:

Any union membership:

Job goals or future employment goals: Satisfied with current job?:

E. MILITARY HISTORY

Were military records checked to verify?

Date enlisted: Date discharged: Type of discharge:

Branch: (Army,Navy,Marines,Air Force,Reserves,National Guard)

Highest Rank: Job Assignment(MOS): Vocational Training?:

Any combat duty?: When, Where, any evidence of Post Traumatic Stress?:

Ever AWOL and/or incarcerated?: Any court-martial or non-judicial punishment?:

Physical and emotional impact of military experience:

F. FINANCIAL STATUS INFORMATION

Expenses

Own property? Y/N Value \$ _____

Location Address: _____

Balance owed on property \$ _____

Payment on property (per month) \$ _____

Rent payment (per month) \$ _____

Average monthly expenses for:

Gas \$ _____ + Electric \$ _____ + Water \$ _____ +

Phone \$ _____ + Cable T.V. \$ _____ = \$ _____

Food expenses per month \$ _____

Medical/Dental expenses per month \$ _____

Child support paid per month \$ _____

Credit Cards possessed: _____

Total owed on credit cards \$ _____

Total monthly credit card payments \$ _____

Vehicle #1 _____

Value \$ _____ Amount owed \$ _____

Monthly payment \$ _____

Vehicle #2 _____

Value \$ _____ Amount owed \$ _____

Monthly payment \$ _____

Other: \$ _____

TOTAL MONTHLY EXPENSES: \$ _____

Income

Income per month: Defendant \$ _____ + Spouse \$ _____ = \$ _____

Public assistance received per month:

SSI \$ _____ + AFDC \$ _____ + WIC \$ _____ +
Food Stamps \$ _____ + Government Housing \$ _____ +
Other: _____ \$ _____ = \$ _____

Other Sources of Income: Child Support \$ _____

V.A. Benefits \$ _____

Other \$ _____

TOTAL MONTHLY INCOME: \$ _____

TOTAL MONTHLY INCOME - EXPENSES = \$ _____

Savings/investments worth \$ _____

Checking account balance \$ _____

Financial Institution: _____

Location: _____

If no income, what is defendant's current source of support?:

Total income reported last year \$ _____

G. RELIGIOUS AFFILIATION

What is the defendant's religious or spiritual affiliation?: (i.e. Christian, Moslem, Native American, Jewish). What Denomination?:

Name of Church/Mosque/Synagogue/Temple/Tribal affiliation (if Native American):
Location:

Length of membership?:

Frequency of attendance and involvement in the last 5 years?:

Was the defendant actively religious prior to arrest?:

What significance has religion had in the defendant's life?:

Any involvement in a religious cult or experience or ritualistic abuse?:

H. INTERESTS/LEISURE ACTIVITIES

List any hobbies, special interests or membership in clubs and other organizations which the defendant possesses.

What does the defendant enjoy doing during leisure/free time?:

VI. HEALTH

A. PHYSICAL HEALTH

Present physical condition:

Currently under a physician's care?:

Physician(s) name/address:

Taking any medication?:

Prescription name, number and Pharmacy:

Physical impairment(s):

Past serious illnesses/injuries:

Present effects:

H.I.V. test required for current offense?

Date of test: Test location:

Result: (Positive/Negative)

Does defendant have health insurance?: Provider:

B. MENTAL HEALTH

Has defendant been diagnosed with a mental illness or disorder?:
Description of illness (type, date diagnosed, physician):
Treatment and Prognosis:

Taking any medication?: Reason:
Prescription name, number and Pharmacy:

Has defendant ever attempted suicide?:
If yes, give details:

Presently in counseling?: Where?
Name of counselor:
Reason(s):

C. SUBSTANCE USE

Does defendant use alcohol and/or drugs?:

Type of alcohol/drugs: Age at first use:

Has defendant ever received education or treatment for substance abuse?:
Give dates, locations and reasons for all education or treatment programs:

How often does the defendant use alcohol and/or drugs?:

What is the defendant's alcoholic beverage and/or drug of preference?:

What is the defendant's attitude toward his/her drinking and/or drug use
and attitude toward positive change?:

Does the defendant smoke?: How often?:

VII. EVALUATION/SUMMARY

See Manual.

VIII. RECOMMENDATION

See Manual.

APPENDIX C

EXAMPLE PRESENTENCE INVESTIGATION REPORTS

- 1. Long Presentence Investigation Report**
- 2. Average Presentence Investigation Report**
- 3. Short Presentence Investigation Report**

STATE OF INDIANA
PRESENTENCE INVESTIGATION REPORT
FACE SHEET

Date Ordered 7/14/92
Date Completed 8/17/92

File stamp here

Warning: This report is confidential according to
Ind. Code § 35-38-1-13 and may only
be released with specific authorization.

COURT INFORMATION

Court: Clark Circuit Court
Judge: Honorable Daniel F. Douglas
Prosecutor: William C. Grimley, Chief Deputy
Defense Attorney: W. Perry McCall, Public Defender
Probation Officer: Denise C. Ward
Probation Dept: Clark Circuit Probation Department Phone No.: (812) 285-6314
Address: 501 E. Court Avenue, Jeffersonville, TN 47130-4029

OFFENDER INFORMATION

Case No(s): 10C01-9203-CF-097
Charging Name(s): James J. Truth
True Name: James Jason Truth, II
Alias(es): James J. Sungate, Jason Truth, "J.J."
Address: 1823 South 1st Street
City: Jeffersonville State: IN Zip: 47130
Phone: (812) 280-9999 SSN: 490-67-1234
Age: 30 / 09 / 18 / 51 POB: Louisville, Kentucky
Age: 41 Race: Cauc. Sex: M Ht: 6'1" Wt: 230 Eyes: Blue/Green Hair: Blonde
ID Marks: Tattoo, Left shoulder, "MOM" and 3 inch lateral scar on stomach.
U.S. Citizen: Yes X No Alien Status:
Driver's License No.: 5588-73-4949 State of Issue: Indiana Status: Suspended
Criminal Involvement (Check all that apply):

<input type="checkbox"/> Charge(s) Pending	<input checked="" type="checkbox"/> Jail	<input checked="" type="checkbox"/> Felony	<input checked="" type="checkbox"/> Probation	<input type="checkbox"/> Comm. Corr.	<input checked="" type="checkbox"/> Juvenile	<input checked="" type="checkbox"/> Res. Placement
<input type="checkbox"/> Detainer(s)	<input checked="" type="checkbox"/> Prison	<input checked="" type="checkbox"/> Misdemeanor	<input checked="" type="checkbox"/> Parole	<input type="checkbox"/> Violation(s)	<input type="checkbox"/> Juv. Detention	<input type="checkbox"/> IBS IGS

OFFENSE INFORMATION

Present Offense(s): Burglary, Class C Felony

 B.A.C.:
Arrest Date: 03 / 16 / 92 Type of release: \$15,000.00 surety bond posted on 3/17/92, with
special condition that he not contact victim.
Sentencing Date: 08 / 25 / 92 Jail Credit: One (1) day
Co-Defendant(s): Mason Johnson, Jr.

Case No(s): 10C01-9203-CF-098

ADDITONAL INFORMATION

The co-defendant was sentenced on 7/20/92. He was given a four year probation
period and was ordered to pay restitution in an amount to be determined at a later hearing.

COMMUNITY CORRECTIONS			
CHARGEBACK OFFENSE:	___Y ___X___N	CHARGEBACK IF SENT TO DOC:	___Y ___N
FACILITY/PROGRAM AT CAPACITY:	___Y ___N	STAFFED BY COMM. CORR.:	___Y ___N
OTHER INFORMATION: _____			

CHARGEBACK OFFENSE: ___Y ___XN CHARGEBACK IF SENT TO DOC: ___Y ___

FACILITY/PROGRAM AT CAPACITY: ___Y ___N STAFFED BY COMM. CORR.: ___Y ___N

OTHER INFORMATION:

MARITAL INFORMATION

X S ___ M ___ D ___ W ___ Sep

Spouse/Other: Lisa Miles (girlfriend and mother of his child)

Address: 1823 South 1st Street

City: Jeffersonville State: IN Zip: 47130 Phone: (812) 280-9999

Number of Dependent Children: One (Dana, 18 months old)

Court-ordered Support: \$ N/A per ___ Wk ___ Mo ___ Other: _____

_____X___S___M___D___W___Sep
 Spouse/Other: Lisa Miles (girlfriend and mother of his child)
 Address: 1823 South 1st Street
 City: Jeffersonville State: IN Zip: 47130 Phone: (812) 280-9999
 Number of Dependent Children: One (Dana, 18 months old)
 Court-ordered Support: \$ N/A per _____ Wk _____ Mo _____ Other: _____

EDUCATION, EMPLOYMENT, HEALTH

High School: Never attended, dropped out

Grad/G.E.D.: Y X N Verified: Y X N

College/Vocational: None

Employer: None (currently disabled due to back injury)

Position: _____ \$ _____

Hire Date: / / Hrs. per wk: _____

Mental Health Referrals: Y X N Physical Problems: X Y N Alcohol/Drug Use: X Y N

High School: Never attended, dropped out
 Grad/G.E.D.: Y X N Verified: Y X N
 College/Vocational: None
 Employer: None (currently disabled due to back injury)
 Position: _____ \$ _____
 Hire Date: / / Hrs. per wk: _____
 Mental Health Referrals: Y X N Physical Problems: X Y N Alcohol/Drug Use: X Y N

CONTACT PERSONS

1) Name:	<u>Lisa Miles</u>	Relation:	<u>girlfriend</u>	Ph:	<u>(812) 280-9999</u>
Address:	<u>1823 South 1st Street, Jeffersonville, IN 47130</u>				
2) Name:	<u>James Sungate</u>	Relation:	<u>Father</u>	Ph:	<u>(812) 667-9000</u>
Address:	<u>RR 3, Hope, IN 47342</u>				
3) Other:	<u>Ms. Beth Smith, Clark Co. Div. of Family & Children Services, is a friend of the family and can be contacted at (812) 333-4444, if necessary.</u>				

1) Name: Lisa Miles Relation: girlfriend Ph: (812) 280-9999
Address: 1823 South 1st Street, Jeffersonville, IN 47130

2) Name: James Sungate Relation: Father Ph: (812) 667-9000
Address: RR 3, Hope, IN 47342

3) Other: Ms. Beth Smith, Clark Co. Div. of Family & Children Services, is a friend of the family and can be contacted at (812) 333-4444, if necessary.

SENTENCING INFORMATION (Probation Use Only)		
CONVICTED BY: _____	PLEA _____	BENCH _____ JURY _____
CONVICTED OF: _____	DATE: _____	
EXECUTED TIME: _____ SUSPENDED: _____ LENGTH OF PROBATION: _____		
SPECIAL CONDITIONS: _____		

CONVICTED BY: _____ PLEA _____ BENCH _____ JURY _____ DATE: _____
 CONVICTED OF: _____

 EXECUTED TIME: _____ SUSPENDED: _____ LENGTH OF PROBATION: _____
 SPECIAL CONDITIONS: _____

I. SOURCES OF INFORMATION

Original Information
Affidavit for Probable Cause for Warrant for Arrest
Finding of Probable Cause for Issuance for Warrant of Arrest
Prisoner Data Sheet
NCIC Check through the Jeffersonville Police Department
Clark County Police Report #15698
The Victim, John Miles
The Defendant, James Truth
Progress Reports from Turning Point Center "and other documents filed with the court"

II. PRIOR LEGAL HISTORY

A. Juvenile

The defendant reported being placed in Ormsby Village Juvenile Treatment Center, Louisville, Kentucky in 1967, and again in and 1969, for runaway and truancy offenses. This information could not be located in a legal search.

B. Adult

5/2/73 (#73-CR-987) - Arrested in Louisville, Kentucky for Armed robbery and carrying a gun without a permit. He was convicted and sentenced on 10/20/73 to 10 years.

6/3/78 (#78-CR-1283) - Arrested in Louisville, Kentucky for 3rd Degree Burglary. He was convicted on 11/24/78 and sentenced to 5 years.

9/24/79 (#79-CR-3298) - Arrested in Louisville, Kentucky for Kidnapping, Robbery I, Wanton Endangerment and a parole violation. On 11/22/79 he was convicted of Robbery I and the parole violation and sentenced to 13 1/2 years.

10/9/85 (10H02-66-CM149) - Arrested in Jeffersonville, Indiana, on an A misdemeanor DWI. On 11/20/85 probation was granted with 1 year sentenced, 1 year suspended to 1 year probation and his driver's license was suspended for 90 days. He was ordered to pay \$85.00 in fines, \$113.00 in court costs and attend an alcohol/drug education program.

1/9/86 (#10H02-67-CM198) - Arrested in Jeffersonville, Indiana, on a public intoxication charge. Probation was granted with 30 days to be served in jail.

5/12/86 (#10H02-69-CM387) - Arrested in Jeffersonville, Indiana, on a public intoxication charge. Probation was granted with 180 days suspended, 6 months probation, with fines and court costs waived.

2/15/87 (#10E01-8702-CF186) - Arrested in Jeffersonville, Indiana, on a D felony DWI. On 4/16/87 probation was granted to an amended A misdemeanor DWI. Was sentenced to 1 year which was suspended to probation. Had his driver's license suspended for 1 year.

6/23/89 (#10H01-8906-CM178) - Arrested in Clarksville, Indiana, on B misdemeanor Public Intoxication charge. On 6/25/89 probation was granted for the public intoxication charge. Was ordered to pay \$50.00 in fines, \$113.00 in court costs and perform 25 hours of community service.

10/26/89 (#10H02-8910-CM132) - Arrested in Jeffersonville, Indiana, on an A misdemeanor Public Intoxication charge. On 11/2/89 probation was granted with 30 days served in jail in Clark County. Fines and courts costs were waived.

3/18/92 (#10C01-9203-CF-97) - Arrested in Jeffersonville, Indiana, on a C Felony Burglary charge. Current Case.

C. Criminal Orientation

The defendant received his first conviction at the age of eighteen for the offense of Armed Robbery. He reported being placed in a juvenile facility in Kentucky at the ages of twelve and fourteen for status offenses. He has three felony convictions from the State of Kentucky. He received an Armed Robbery conviction in which he used threat with a handgun. He has never been charged with escape. There is no available information on past disciplinary actions involving the defendant during past incarcerations. He received Parole in 1979 from the State of Kentucky and was returned to prison for a parole violation due to a new offense. He currently possesses a valid Indiana driver's license, however, has received past suspensions for Driving While Intoxicated convictions. He has no known gang affiliation.

D. Summary of Legal History

The defendant has three prior felony convictions and three prior misdemeanor alcohol offenses. He reported spending the majority of time between 1973 and 1985 in prison at the LaGrange Reformatory in Kentucky. After his release from incarceration he began to accumulate alcohol related offenses of which he has received six convictions. His legal problems began during his late teens and have steadily continued into adulthood. He has spent a majority of his adult life incarcerated. His reported abuse of alcohol appears to have contributed to the his involvement with the criminal justice system as he reported being intoxicated at the time of all of his offenses.

III. PRESENT OFFENSE

A. Official Version

The complete official version of the offense can be found in the Information and the Affidavit for Probable Cause in Cause No. #10C01-9203-CF097, attached in this report.

B. Defendant's Version

Mr. Truth was given the Statement of Plea Agreement and the Affidavit for Probable Cause to read. He indicated that the facts and circumstances of the Probable Cause Affidavit were substantially true and correct. Mr. Truth declined to make a statement in reference to his offenses other than to state, "I wish it had never happened."

IV. VICTIM IMPACT STATEMENT

This officer contacted John Miles, victim, on June 2, 1992 by phone. Mr. Miles made the following statement: "I would expect that I be reimbursed for my losses. The funds that were taken totalled \$11,000.00 in cash and also my guns. It is my understanding that Mr. Truth was in possession of \$2,300.00 at the time of his arrest. I would expect that the money as well as the balance of the \$11,000.00 be paid back to me. I should also receive the guns that the police recovered. I want to see him go to jail but also I know that if he does I won't ever see my money and would be cutting my own throat so I hope the judge gives him some probation."

V. FAMILY/PERSONAL BACKGROUND

A. Family

The defendant's father is James Sungate, age 57, who resides in Hope, Indiana. He is employed as a diesel engineer. Mildred Sungate was the defendant's mother. She committed suicide at the age of 30. The defendant reported that she was suffering from cancer at the time of her death. He reported feeling that the cancer may have contributed to her decision to end her life. Mr. Truth reported the following siblings:

Fred Sungate, age 35, whose address is unknown. The defendant's last contact with him was five years ago.

Jimmy Sungate, age 30, address unknown. The defendant had no contact with him for 15 years.

Wayne Sungate, age 29, resides in Louisville, Kentucky.

Mr. Truth was primarily raised in the Portland area of Louisville, Kentucky. He stated that his family lived in poverty and that his father was an alcoholic. He left home at the age of 13, shortly after the death of his mother. It was at that time that he lost contact with his siblings and is unsure of their whereabouts.

At age 16 he was adopted by Roger Truth of Lexington, Kentucky. His name was legally changed from Sungate to James Truth upon his legal adoption. He reported that Mr. Truth was physically abusive toward him and forced him to work long hours on his farm. He also drank heavily and would force the defendant to consume alcohol along with him. It was during this period that the defendant began to consume alcohol abusively. He remained in the home of Mr. Truth until age 18. Soon after leaving he was arrested for Armed Robbery and sentenced to prison.

B. Marital/Dependent Status

The defendant has never married, however, has three children. He stated that the whereabouts of his two oldest children is unknown. His third child is 18 months old. The defendant currently resides with the mother of the child, Lisa Miles, who is also the daughter of the victim in this case. He reported no court ordered child support obligations.

C. Education

The defendant's highest completed grade of education was the ninth which he completed while at Ormsby Village Juvenile Treatment Center. He stated that he never returned to school as he was forced to seek employment in order to support himself. He reported his school experience as negative as he had difficulty reading and learning basic skills. At this time the defendant is functionally illiterate. He reports continuous problems with basic reading and writing.

D. Employment

The defendant is currently unemployed due to a back injury. He has not been employed since January 1992 and is receiving no workman's compensation to date.

12/91 to 1/92 (One Month)	Better Quality Pallet; Clarksville, IN Laborer
12/90 to 12/91 (One Year)	Anderson Barge Towing; Memphis, TN Diesel Mech. \$105.00 per day.
1986 - 1990	American Commercial Barge Line: Jeffersonville, IN Diesel Engineer, \$24,000 per year.
1981 - 1986	Incarcerated at the Kentucky Department of Correction.

E. Military

The defendant has never served in the military.

F. Financial

The defendant reports no assets. He has no bank accounts. His income source at this time is his girlfriend who is presently maintaining full time employment and is paying all their living expenses. His ability to pay a large amount of restitution is questionable as he reports no income in the last six months.

G. Religion

The defendant claims to be a registered member of the Eastside Church of Christ in Jeffersonville, Indiana. He attends Sunday services on the average of once every few

months, or when he needs "a favor from the good Lord." He has been a member of the church for approximately 3 years.

H. Interests/Leisure Activities

The defendant enjoys woodcarving in his spare time. He has no other hobbies or special interests. He reportedly attends AA meetings frequently throughout the week and claims to be an active and devout participant.

VI. HEALTH

A. Physical

The defendant reported currently suffering from a back injury. He is not receiving medical treatment and is not under prescribed medication.

B. Mental

The defendant reports no mental health difficulties.

C. Substance Use

The defendant reported that his first use of drugs was at age 27 with the use of cocaine. He stated that he has abstained from drug usage for five years.

The defendant stated he is an alcoholic. He received in-patient treatment at LifeSpring/Turning Point in November 1991 completing a 30-day program. He stated that he has been sober since his arrest for the current charges and attends Alcoholic Anonymous meetings regularly.

VII. EVALUATION/SUMMARY

Mr. Truth is a 37 year old white male who is before the Court for sentencing for the crime of Burglary. His legal history indicates continuous involvement with the criminal justice system since his youth.

He was raised in an impoverished home. His father, as he reported, was an abusive drinker who took many of his frustrations out on the defendant in the form of physical abuse. His mother committed suicide when he was twelve leaving his father with the total responsibility of raising the children. It was at this time that the defendant left home to find employment and become independent of his father's control. He was legally adopted at age 16 and again placed in the similar environment of alcoholism and abuse that he had previously left.

He is currently living with Lisa Miles, the mother of his third child, and daughter of the victim in this case. He reports having battled with alcoholism for most of his life. He attended alcohol treatment in 1991 and states that he has maintained sobriety since that time.

The defendant is currently unemployed and has been for seven months. His source of income is unknown as he reported that he is not receiving disability or workman's compensation.

The defendant did not elaborate on his involvement in this crime other than to admit to the facts. The codefendant, Mason Johnson, Jr., has been sentenced. Mr. Johnson is currently on probation and has been ordered to pay restitution as set by the Court. Mr. Johnson had already served one year in jail prior to being sentenced. Mr. Truth was released on a \$15,000.00 bond on August 12, 1991.

The following aggravating and mitigating circumstances are offered for the court's consideration in sentencing:

Aggravating

1. The defendant possesses a significant history of criminal offenses.
2. Imposition of a reduced sentence or suspension of the sentence and imposition of probation would depreciate the seriousness of the crime.

Mitigating

1. The defendant is likely to respond affirmatively to short term imprisonment and a period of probation, if he continues a program of sobriety.
2. The victim requests a period of probation be granted in order that the defendant may have an opportunity to make restitution.

VIII. RECOMMENDATION

A plea agreement has been filed in this case which indicates that the defendant will enter a plea of guilty to the offense of Burglary (Class C Felony) as charged in the Information. The State of Indiana has recommended the imposition of a six (6) year fixed term of imprisonment with four (4) years suspended to Strict Terms of Probation.

This officer concurs with the State of Indiana's recommendation of sentence and further recommends that the Court accept the Plea Agreement as written. It is also recommended that a special term of probation be imposed requiring the defendant to pay restitution in an amount equal to the co-defendant, Mason Johnson, 10C01-9203-CF-98, as directed by the Probation Officer.

Respectfully submitted,

Denise Z. Ward, M.S.
Chief Probation Officer
Clark Circuit Court

STATE OF INDIANA
PRESENTENCE INVESTIGATION REPORT
FACE SHEET

Date Ordered 10/3/92
Date Completed 10/26/92

File stamp here

Warning: This report is confidential according to
Ind. Code § 35-38-1-13 and may only
be released with specific authorization.

COURT INFORMATION

Court: Fulton County Court
Judge: Honorable Lisa R. Rock
Prosecutor: Richard A. Blue, Deputy
Defense Attorney: Wayne A. Stedham (Privately retained)
Probation Officer: Mark J. Smith
Probation Dept: Fulton County Probation Department Phone No.: (219) 223-4345
Address: Courthouse, 815 Main Street, Rochester, IN 46975-1593

OFFENDER INFORMATION

Case No.(s): 25E01-9106-CM-111
Charging Name(s): Roscoe L. Jones
True Name: Roscoe Leon Jones
Alias(es): Willie
Address: RR 1, Box 55 (Calhoun Trailer Court)
City: Rochester State: IN Zip: 46975
Phone: (219) 555-7777 SSN: 333-30-1111
DOB: 3 / 01 / 11 / 66 POB: Rochester, Indiana
Age: 26 Race: W Sex: M Ht: 5'10" Wt: 150 Eyes: Brown Hair: Brown
ID Marks: Tattoo on right forearm "MOF"
U.S. Citizen: Yes ☒ No ☐ Alien Status: _____
Driver's License No.: 1111-33-2222 State of Issue: Indiana Status: Suspended
Criminal Involvement (Check all that apply):

<input type="checkbox"/> Charge(s) Pending	<input checked="" type="checkbox"/> Jail	<input type="checkbox"/> Felony	<input type="checkbox"/> Probation	<input type="checkbox"/> Comm. Corr.	<input checked="" type="checkbox"/> Juvenile	<input type="checkbox"/> Res. Placement
<input type="checkbox"/> Detainer(s)	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Misdemeanor	<input type="checkbox"/> Parole	<input type="checkbox"/> Violation(s)	<input type="checkbox"/> Juv. Detention	<input type="checkbox"/> IBS/IGS

OFFENSE INFORMATION

Present Offense(s): Ct. I. Operating with a B.A.C. of .10% or more (class C Misd.); Ct. II.
Previous O.W.I. (class D felony)
B.A.C.: .20%
Arrest Date: 06 / 11 / 92 Type of release: Cash bond or \$200.00 was posted by the
defendant's wife on 6/12/92.
Sentencing Date: 06 / 03 / 92 Jail Credit: One (1) Day
Co-Defendant(s): N/A
Case No.(s): _____

ADDITONAL INFORMATION

Wayne A. Stedham, 2323 Kingston Rd., Rochester, IN 46975

COMMUNITY CORRECTIONS

CHARGEBACK OFFENSE: ☐ Y ☐ N CHARGEBACK IF SENT TO DOC: ☐ Y ☐ N
FACILITY/PROGRAM AT CAPACITY: ☐ Y ☐ N STAFFED BY COMM. CORR.: ☐ Y ☐ N
OTHER INFORMATION: _____

MARITAL INFORMATION

☐ S ☒ M ☐ D ☐ W ☐ Sep

Spouse/Other: Lucy Smith Jones
Address: RR 1, Box 55 (Calhoun Trailer Court)
City: Rochester State: IN Zip: 46975 Phone: (219) 555-6666
Number of Dependent Children: One (Michael, age 1 year)
Court-ordered Support: \$ N/A per Wk Mo Other:

EDUCATION, EMPLOYMENT, HEALTH

High School: Rochester High School
Grad/G.E.D.: ☒ Y ☐ N Verified: ☒ Y ☐ N
College/Vocational: None
Employer: Mix & Mold, Inc. John J. Russell, Supervisor
Position: Laborer \$ 4.75
Hire Date: 07/07/85 Hrs. per wk: 40
Mental Health Referrals: ☐ Y ☒ N Physical Problems: ☐ Y ☒ N Alcohol/Drug Use: ☒ Y ☐ N

CONTACT PERSONS

1) Name: Freda Jones Relation: Mother Ph: (219) 555-1717
Address: RR 2, Box 7, Rochester, IN 46975
2) Name: Tom Smith Relation: Father-in-Law Ph: None
Address: RR 1, Box 75 (Carlton Trailer Court) Rochester, IN 46975
3) Other: _____

SENTENCING INFORMATION (Probation Use Only)

CONVICTED BY: PLEA BENCH JURY DATE: _____
CONVICTED OF: _____

EXECUTED TIME: _____ SUSPENDED: _____ LENGTH OF PROBATION: _____
SPECIAL CONDITIONS: _____

I. SOURCES OF INFORMATION

Records of Fulton County Probation Department
Records of Fulton County Sheriff's Department
Records of Fulton County Court
Records of Four County Counseling Center
Records of Indiana Bureau of Motor Vehicles
Mix and Mold - Employment Verification
Rochester Community Schools - School Verification

II. PRIOR LEGAL HISTORY

A. Juvenile History

On March 16, 1984 the defendant was detained by the Fulton County Sheriff's Department for Illegal Possession of an Alcoholic Beverage. An informal adjustment was initiated on April 3, 1984. He was placed under supervision for six months and was required to submit to a substance abuse assessment and any treatment recommended along with (16) sixteen hours of community service work. He completed an eight hour substance education program as required. Verification of this information was obtained through the Fulton County Probation Department files.

B. Adult History

On February 1, 1989 he was arrested by the Fulton County Sheriff's Department for Operating a Motor Vehicle with a BAC of .10% or more. On May 5, 1989 in the Fulton County Court in Cause Number 25E01-8902-CM-42 he plead guilty pursuant to the terms of a plea agreement to the offense as a Class C Misdemeanor. He received a sentence of (60) sixty days to the Fulton County Jail and was assessed a \$50.00 fine and court costs. The sentence was suspended and he was placed on probation for (6) six months. Terms and conditions included: (1) Regular terms and conditions of probation. (2) Submit to a substance abuse assessment and follow the recommendations of the evaluator and pay all costs of the treatment. (3) Complete 40 hours of community service work. (4) Serve (1) one weekend in the Fulton County jail. He was required to attend a level II substance abuse program as recommended by the substance abuse evaluator. He was discharged from this probation after completing all terms successfully on November 5, 1989. This information was verified through the Fulton County Probation Department Files.

C. Criminal Orientation

There is no information that would lead this officer to believe there are any criminal orientation factors that exist and therefore would conclude that this section does not apply.

D. Summary of Legal History

The defendant's two prior arrests were alcohol violations. In both instances he was placed on probation and ordered to complete a substance abuse assessment and enter a program for substance abusers. Four County Counseling Center discharged him stating he had completed each program successfully. He was discharged from both probations after successfully completing them.

III. PRESENT OFFENSE

A. Official Version

The complete official version of the offense can be found in the Affidavit for Probable Cause and Charging Information documents attached to this report.

B. Defendant's Version

The defendant reports that he was arrested on June 11, 1991, at about 2:00 a.m. He says that he left work at 9:00 p.m. on June 10th. While traveling home he stopped at the Time Inn (local tavern) to "play some pool and get a buzz." He recalls drinking "6 to 10 beers." After becoming ill and feeling "drunk" he left to return home. He was driving home when a deer ran across the road and the next thing he remembered was waking up at the hospital. He did not know that he had been involved in an accident until the police informed him he had tested .20 and he was going to be arrested for Operating a Motor Vehicle While Intoxicated. He was taken to the Fulton County jail where he was held until bonding out the next day at 2:00 p.m.

IV. VICTIM IMPACT

Not applicable.

V. FAMILY/PERSONAL BACKGROUND

A. Family

The defendant is one of four children born to Bill and Freda Jones. He lived his entire life with all of his family members at Rural Route 2 in Rochester, Indiana up until the age of 18 at which time he moved to his current address. There is no reported substance abuse or criminal history by either of his parents or by any of his siblings. He describes his childhood as happy and claims he was provided with all of the necessities.

B. Marital/Dependent Status

He married Lucy Smith Jones on May 15, 1989, in Rochester, Indiana. She is employed at the Rag Shack as a cashier. The couple has one child, Michael Jones, age 1. The defendant reportedly has a good relationship with his wife although he says "she does not like my drinking."

C. Educational History

He attended all of his schooling in the Rochester Community School System. He graduated 103rd out 157 students on June 3, 1985. He did not participate in any extracurricular activities. (His high school transcript is attached.)

D. Employment History

He is presently employed by Mix and Mold, a local fiberglass factory, earning \$4.75 per hour. He began this employment on July 7, 1985. His employer reports that he is a "good and dependable employee" but was concerned that his legal problems may soon be affecting his employment.

E. Military

The defendant served two years in the Indiana Army National Guard in Logansport, Indiana, from 2/11/84 through 3/24/86. He was generally discharged after being court-marshalled for drinking on duty. He had attained the rank of E-2, and served as an infantryman.

F. Financial Status

The defendant's annual income is approximately \$10,500. His spouse earned \$8,700.00 in 1990. Their debts and expenses require payments of \$800.00 monthly. Their only reported assets are their home furnishings and a 1982 Chevrolet automobile valued at approximately \$600.00.

G. Religion

The defendant claims to be a Baptist by birth. He does not belong to a particular church and does not attend church on any basis. While he believes in God, he does not feel that religion plays any significant role in his life.

H. Interests/Leisure Activities

The defendant stated that he enjoys spending time with his wife and child. However, most of his free time prior to the present offense was spent in bars or in front of the T.V. at home with a six pack of beer. He has no hobbies.

VI. HEALTH

A. Physical

He reports his health to be "good." He is not under the care of a doctor nor is he taking any prescribed medication.

B. Mental

None.

C. Substance Abuse

As reported in the legal history he submitted to a substance abuse assessment on two prior occasions as part of his court dispositions. He completed an (8) eight hour substance abuse education class and a level II outpatient treatment program as provided by Four County Counseling Center. He says that he drinks three to five times weekly and consumes 8 to 12 beers on each occasion. He does not feel he has a problem with alcohol and expressed some reluctance with pursuing further treatment.

VII. EVALUATION/SUMMARY

In reviewing this investigation "we" find a white, 24 year old male who lives with his wife and child at Rural Route 1, Box 55, Rochester, Indiana 46975. He was charged with Ct. I, Driving with a BAC of .10% or more, a Class C Misdemeanor, and Count II, O.W.I., a Class D Felony.

The defendant appears to have lived a normal childhood, having grown up in a stable, intact family which has no criminal or substance abuse history.

He is enjoying a good marriage which he feels may be strained by his drinking. He has held the same job for approximately five years at which his employer speaks positively about him, but appears to have some concerns about his legal difficulties.

He appears to be responsible in most areas of his life, but tends to minimize the way his alcohol consumption is affecting his life. This leads this officer to believe that he is unwilling to address this problem in light of all the above factors.

In view of those circumstances there is some indication, as shown by his good work record, his graduation from high school, and positive past treatment experiences, that he will respond favorably to a suspended sentence that includes further treatment. However, serious consequences must be imposed should he not follow through with his obligations. Therefore, a combination of an initial consequence along with a much more serious consequence for not following through his obligation should be imposed. With those thoughts in mind, the following recommendation is made.

VIII. RECOMMENDATION

It is respectfully recommended that the Class D Felony O.W.I. charge be reduced to a Class A Misdemeanor, and the defendant receive a one year sentence to the Indiana Department of Correction. The sentence should be suspended and he be placed on probation for one year under the regular terms of probation with the following special conditions:

(1). The defendant submit to a substance abuse evaluation and follow the recommendations of the evaluator and pay the costs of the treatment. This term shall include the provision that the defendant be willing to participate in an intensive outpatient or inpatient treatment program. (2). The defendant submit to breath analysis or urinalysis testing as required by the Probation Officer. Should he fail either test, it shall be deemed a violation of his probation. (3). The defendant shall not consume alcoholic

beverages during the term of probation. (4). He shall serve 10 days in the Fulton County jail as a condition of probation. (5). He shall be required to complete 40 hours of community service work as directed by the Probation Officer.

Respectfully Submitted,

Mark J. Smith
Probation Officer
Fulton Circuit/County Courts

I. SOURCES OF INFORMATION

Records of the Miami County Probation Department
Records of the Miami County Prosecutor's Office
Records of the Miami County Sheriff's Department
Records of the Peru Police Department
Records of the Indiana Bureau of Motor Vehicles
Records of Chrysler Corporation, Kokomo, Indiana

II. PRIOR LEGAL HISTORY

A. Juvenile History

None found.

B. Adult History

9/21/90 (52D01-9009-CM-384) - Arrested in Miami County, Indiana for Ct. I Operating While Intoxicated, Ct. II - Operating with a B.A.C. of .10% or Higher. Sentenced on 9/27/90 to OWI, class A misdemeanor, one year suspended, placed on one year probation with normal rules, fine of \$200 and court costs of \$138, driver's license suspended for 60 days. Ordered to complete alcohol/drug education program.

C. Criminal Orientation

Due to the absence of any substantial criminal background or other involvement with the law, this section does not apply.

D. Summary

The defendant has no significant prior record other than the prior OWI reported above. According to the Bureau of Motor Vehicles record attached, he has accrued 5 speeding tickets within the last year and a half. His Indiana driver's license is currently suspended based upon his refusal to submit to the breathalyzer test at the time of the present arrest.

III. PRESENT OFFENSE

A. Official Version

According to the attached arrest report by Indiana State Trooper James Smith, in the early morning of March 5th, 1992, at 1:45 a.m., the defendant was observed by Trooper Smith swerving back and forth across the center line on U.S. 31 South between C.R. 400W and Grissom A.F.B. in Miami County, Indiana. While questioning the defendant, the trooper noticed a strong odor of alcohol on the defendant's breath. An

COMMUNITY CORRECTIONS

CHARGEBACK OFFENSE: ☐ Y ☐ N CHARGEBACK IF SENT TO DOC: ☐ Y ☐ N
 FACILITY/PROGRAM AT CAPACITY: ☐ Y ☐ N STAFFED BY COMM. CORR.: ☐ Y ☐ N
 OTHER INFORMATION: _____

MARITAL INFORMATION

☐ S ☐ M ☐ D ☐ W ☐ Sep

Spouse/Other: Juliette Fromby (Never married)
 Address: 2212 Orlando Heights Lane, Apt. 34B
 City: Orlando State: FL Zip: 62913 Phone: none
 Number of Dependent Children: Two (Reginald Fromby, age 2 & Denise Fromby, age 1)
 Court-ordered Support: \$ 150.00 per ☒ Wk ☐ Mo ☒ Other: Mr. Smith is current
on his support obligation. He has no regular visitation with his children.

EDUCATION, EMPLOYMENT, HEALTH

High School: Peru Senior High School
 Grad/G.E.D.: ☒ Y ☐ N Verified: ☒ Y ☐ N
 College/Vocational: Ivy Tech., Kokomo (Certificate of Completion in Mechanics, 1986)
 Employer: Chrysler Corporation, Kokomo
 Position: Laborer \$ 12.55 / hr.
 Hire Date: 10/ 12/ 84 Hrs. per wk: 40-50
 Mental Health Referrals: ☐ Y ☒ N Physical Problems: ☐ Y ☒ N Alcohol/Drug Use: ☒ Y ☐ N

CONTACT PERSONS

1) Name: Alice Grimes Relation: Mother Ph: (317) 555-1234
 Address: 290 W. 15th Street, Peru, IN 46970
 2) Name: Glen Grimes Relation: Brother Ph: (317) 555-5678
 Address: 101 Falcon Place, Kokomo, IN 46925
 3) Other: None

SENTENCING INFORMATION (Probation Use Only)

CONVICTED BY: ☐ PLEA ☐ BENCH ☐ JURY DATE: _____
 CONVICTED OF: _____

EXECUTED TIME: _____ SUSPENDED: _____ LENGTH OF PROBATION: _____
 SPECIAL CONDITIONS: _____

STATE OF INDIANA
PRESENTENCE INVESTIGATION REPORT
FACE SHEET

Date Ordered 7/14/92
Date Completed 7/21/92

File stamp here

Warning: This report is confidential according to
Ind. Code § 35-38-1-13 and may only
be released with specific authorization.

COURT INFORMATION

Court: Miami Superior Court
Judge: Honorable Gerald W. Polimer
Prosecutor: David C. Banita, Chief Deputy
Defense Attorney: Timothy L. Karlos (Privately retained)
Probation Officer: Susan Smith
Probation Dept: Miami County Probation Department Phone No.: (317) 472-3901
Address: Courthouse, 3rd Floor, Peru, IN 46970

OFFENDER INFORMATION

Case No(s): 52D01-9205-CF-000
Charging Name(s): James V. Smith
True Name: James Victor Smith, Jr.
Alias(es): None
Address: 2322 Carlton Place, Apt. 2C
City: Kokomo State: Indiana Zip: 47905
Phone: (317) 555-0001 SSN: 999-00-3456
DOB: 10 / 03 / 53 POB: Peru, Indiana
Age: 39 Race: Black Sex: M Ht: 6'1" Wt: 195 Eyes: Brown Hair: Brown
ID Marks: 2 inch vertical tatoo on left forearm "God Loves Me"
U.S. Citizen: Yes ☒ No ☐ Alien Status: _____
Driver's License No.: 8888-44-1111 State of Issue: Indiana Status: Suspended
Criminal Involvement (Check all that apply):
☐ Charge(s) Pending ☒ Jail ☐ Felony ☒ Probation ☐ Comm. Corr. ☐ Juvenile ☐ Res. Placement
☐ Detainer(s) ☐ Prison ☒ Misdemeanor ☐ Parole ☐ Violation(s) ☐ Juv. Detention ☐ IBS IGS

OFFENSE INFORMATION

Present Offense(s): Ct. I. Operating While Intoxicated (class D felony); Ct. II. Driving
left of Center (Infraction)
B.A.C.: .18%
Arrest Date: 05 / 28 / 92 Type of release: \$200 cash bond posted on 5-29-92.
Sentencing Date: 07 / 28 / 92 Jail Credit: One (1) day
Co-Defendant(s): _____
Case No(s): _____

ADDITONAL INFORMATION

Timothy Karlos, Attorney, P.O. Box 777, Kokomo, IN 46941

alco-sensor test was administered and registered a reading of .18 B.A.C. The defendant was transported to the Miami County Jail, whereupon he refused to submit to a breathalyzer test, stating, "I failed this damned test last time I was arrested, and I know I'm a lot drunker this time." The defendant was arrested on charges of OWI and Driving Left of Center and was subsequently placed in jail.

B. Defendant's Version

Mr. Smith declined to offer a detailed personal version of the offense, but did give the following statement: "I did it just the way the cop said. I'm sorry and I think I need some help with my drinking."

IV. VICTIM IMPACT STATEMENT

N/A.

V. FAMILY BACKGROUND

N/A.

VI. HEALTH

C. Substance Use

The defendant completed the Miami County Alcohol/Drug Education Program as a first-offender in 1990. He felt that the information he received from the program was interesting, but did not apply to him. The defendant admits to consuming approximately 2 six packs of beer per day, and denies any use of drugs. He claimed to have consumed at least that amount the evening he was arrested for the present offense.

VII. EVALUATION SUMMARY

N/A.

VIII. RECOMMENDATION

It is respectfully recommended that the court sentence the defendant in accordance with the terms of the proposed plea agreement (attached).

Respectfully submitted,

Susan Smith
Probation Officer
Miami Circuit/Superior Courts